

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, JULY 11, 2005**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:03 p.m. on Monday, July 11, 2005, with President Talley presiding.

Councillor McWhirter led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

**ROLL CALL**

President Talley instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty, Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*  
*1 ABSENT: Sanders*

A quorum of twenty-eight members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Gibson recognized citizen Olgen Williams for all his efforts in the Haughville neighborhood. Councillor Keller introduced Near East Side Community Organization (NESCO) president Bill Callahan. Councillor Langsford recognized Community Corrections director Brian Barton. Councillor Abdullah recognized Diane Arnold of the Hawthorne Center. Councillor Gray recognized neighborhood activist and fellow church member John Walden. Councillor Abdullah recognized Rufus “Bud” Myers, director of the Indianapolis Housing Agency, and community leader Chris Brown. Councillor Langsford recognized Mike Reeves, president of Local 416 Firefighters Union.

## OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, July 11, 2005, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Steve Talley  
President, City-County Council

June 15, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, June 17, 2005, a copy of a Notice of Public Hearing on Proposal Nos. 248, 277, 278, 281, 284, 285, 287-289, and 291-293, 2005, said hearing to be held on Monday, July 11, 2005, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Jean Ann Milharcic  
Clerk of the City-County Council

June 22, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinance:

FISCAL ORDINANCE NO. 64, 2005 - approves an increase of \$2,542,156 in the 2005 budget of the Election Board (Help America Vote Act Fund) for voting machine refinancing and Election Systems and Software litigation

FISCAL ORDINANCE NO. 66, 2005 - approves a transfer of \$40,000 in the 2005 Budget of the Marion County Children's Guardian Home (County General Fund) to transfer funds to bring director's salary into compliance with fiscal ordinance and to increase social worker to full time status

FISCAL ORDINANCE NO. 71, 2005 - approves a transfer of \$420,000 in the 2005 Budget of the Public Defender Agency (County General Fund) to transfer funds to cover supply costs and increased costs for death penalty cases

SPECIAL ORDINANCE NO. 1, 2005 - a final resolution for Washington Pointe, L.P., in an amount not to exceed \$14,000,000, which is the construction of a new 248-unit apartment to be named "Washington Pointe Apartments" located at 10601 East 10th Street (District 21)

GENERAL RESOLUTION NO. 5, 2005 - approves the issuance of limited recourse notes of the Redevelopment District of the City of Indianapolis, Indiana for the purpose of paying the cost of redevelopment, including acquisition of certain property and the construction of certain infrastructure improvements, in the Fall Creek/Citizens Consolidated Redevelopment Area and approves other matters related thereto

*July 11, 2005*

GENERAL ORDINANCE NO. 58, 2005 - increases the tax rates of the county food and beverage tax, the county admissions tax, the county supplemental auto rental excise tax, and the county innkeeper's tax, all as authorized by statute

GENERAL ORDINANCE NO. 59, 2005 - authorizes intersection controls for the intersection of 61st Street and Burlington Avenue at Hillside Avenue West Drive (District 3)

GENERAL ORDINANCE NO. 60, 2005 - authorizes a multi-way stop at the intersection of Periwinkle Way and Spindrift Lane (District 4)

GENERAL ORDINANCE NO. 61, 2005 - authorizes parking restrictions on Capitol Avenue near 32nd Street (District 8)

GENERAL ORDINANCE NO. 62, 2005 - authorizes a multi-way stop at the intersection of Fleming Street and Henry Street (District 14)

SPECIAL RESOLUTION NO. 41, 2005 – recognizes the People's Burn Foundation for eight years of assistance to individuals who are burn survivors

SPECIAL RESOLUTION NO. 42, 2005 – recognizes Dr. Duncan N. P. "Pat" Pritchett, Jr., Indianapolis Public Schools Superintendent

SPECIAL RESOLUTION NO. 43, 2005 – recognizes the Indiana Medical History Museum

SPECIAL RESOLUTION NO. 44, 2005 – recognizes Susan Blair as the 2004 Pike Township Volunteer Woman of the Year

SPECIAL RESOLUTION NO. 45, 2005 – recognizes Earl Thompson as the 2004 Pike Township Volunteer Man of the Year

SPECIAL RESOLUTION NO. 46, 2005 – recognizes the Taiwanese American Association of Indianapolis for its efforts in holding the Taiwanese American Cultural Festival in celebration of Taiwanese American Heritage Month

Respectfully,  
s/Bart Peterson, Mayor

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of June 13, 2005. There being no additions or corrections, the minutes were approved as distributed.

### **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 376, 2005. The proposal, sponsored by Councillors Boyd and Gray, recognizes the Indianapolis Soapbox Derby and its three division winners. Councillor Boyd read the proposal and presented representatives with copies of the document and Council pins. John Walden, organizer of the event, recognized each winner and other adults without whose help the derby would not be possible: Floyd Wilson and Olgen Williams. Councillors Gray, Abdullah and Boyd thanked all for their participation and congratulated President Talley on his win over State Representative and former Council member Phil Hinkle in a derby race. Councillor Boyd moved, seconded by Councillor Gray, for adoption. Proposal No. 376, 2005 was adopted by a unanimous voice vote.

Proposal No. 376, 2005 was retitled SPECIAL RESOLUTION NO. 47, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 2005

A SPECIAL RESOLUTION recognizing the Indianapolis Soap Box Derby and its three division winners.

WHEREAS, the Soap Box Derby is a youth racing program which has run nationally since its inception in 1934. The goals of the Soap Box Derby program have not changed. They are to teach youngsters some of the basic skills of workmanship, the spirit of competition, and the perseverance to continue a project once it has begun; and

WHEREAS, the Soap Box Derby has a long history in Indiana. Indianapolis and Dayton, Ohio are the only two cities where Soap Box Derby has been run every year since its creation. Located at 30<sup>th</sup> Street and Cold Springs Road, the Wilber Shaw Soap Box Derby racetrack is the longest track in the country, measuring 1,000 feet and was built in 1953 to replace the original track at 71<sup>st</sup> Street and Meridian. A laser timer, digital weighing system, new scorer's bridge, and new pit area were all added in the last five years; and

WHEREAS, there are three racing divisions in most locals and at the All-American competition. The Stock division is designed to give the first-time builder a learning experience. Boys and girls compete in simplified cars built from kits purchased from the All-American. The Super Stock division gives the competitor an opportunity to expand their knowledge and build a more advanced model. The Masters division offers an advanced class of racer to try their creativity and design skills; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes this year's Soap Box Derby finalists Jarrett Alexander (Stock Champion, age 8, Whitelick Elementary School in Brownsburg) Rachel Roembke (Super Stock Champion, age 13, Ben Davis Jr. High School) and Tyrone Walker (Masters Champion, age 14, 8<sup>th</sup> grade graduate of IPS# 108) and congratulates them all on a job well done.

SECTION 2. The Council also extends a special congratulations to Tyrone, who is not only the first African American to win the Masters division of the Indianapolis Soap Box Derby, but will also be competing in the national championships in Akron, Ohio on July 30<sup>th</sup>, along with Jarrett and Rachel.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 377, 2005. The proposal, sponsored by Councillor Pfisterer, recognizes the Westside Weed & Seed Re-Integration Project. Councillor Pfisterer read the proposal and presented representatives with copies of the document and Council pins. Olgen Williams, Diane Arnold and Maxine Brown thanked the Council on behalf of project participants. Councillor Pfisterer moved, seconded by Councillor Langsford, for adoption. Proposal No. 377, 2005 was adopted by a unanimous voice vote.

Proposal No. 377, 2005 was retitled SPECIAL RESOLUTION NO. 48, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 2005

A SPECIAL RESOLUTION recognizing the Westside Weed & Seed Offender Re-Integration Project.

WHEREAS, Westside Weed and Seed is a grassroots community organization that offers a hand up, not a handout. Utilizing proven and effective efforts, Westside Weed and Seed is a model for innovative programming. It has successfully impacted gun violence and crime to foster safer communities, effective community policing, and social change. The quality of life for families on the west side of Indianapolis has improved since the program's inception in 1993; and

*July 11, 2005*

WHEREAS, in 2004 Westside Weed and Seed implemented an Offender Re-Integration Project that is recognized in assisting ex-offenders to successfully re-integrate into society by connecting them with appropriate community resources and providing support services during the initial months following release from incarceration; and

WHEREAS, according to the Indiana Department of Corrections an average of 275 adult male offenders are released back into Marion County each month. Over half of those persons will return to the city's west side. If left to cope by themselves, statistics indicate that the ex-offender is likely to re-offend. However, when sufficient community support is available, statistics show that recidivism is greatly reduced; and

WHEREAS, the goal of Westside Weed and Seed's Offender Re-Integration Project is to realize a 20% reduction in the city's recidivism rate by offering pre-release re-integration preparation classes, post-release support classes, and intensive case management. The pre-release class lays a strong foundation to prepare the participants for life on the outside. Topics discussed include: interpersonal relationships, anger management, stress management, job search skills, money management, on-the-job personal skills, and avoiding substance abuse relapse; and

WHEREAS, once the individual is released, services offered include: continued case management, bus passes, employment referrals, housing referrals, substance abuse program referrals, clothing and food referrals, monthly on-site mentoring sessions, and follow-through for the first 90 days after release; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and applauds Westside Weed and Seed for taking the bold initiative to recognize that successful re-integration forms productive members of society as well as promotes strong, healthy neighborhoods.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 378, 2005. The proposal, sponsored by Councillor Gray, recognizes Coach Bob Chambers. Councillor Gray read the proposal and presented a copy of the document and a Council pin to Coach Chambers. Coach Chambers and Parks and Recreation Department director Joseph Wynns thanked the Council for the recognition. Councillor Gray moved, seconded by Councillor Abdullah, for adoption. Proposal No. 378, 2005 was adopted by a unanimous voice vote.

Proposal No. 378, 2005 was retitled SPECIAL RESOLUTION NO. 49, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 49, 2005

A SPECIAL RESOLUTION recognizing Coach Bob Chambers.

WHEREAS, Coach Chambers was born in Evansville and currently resides in Indianapolis, where he has lived for most of his life; and

WHEREAS, Coach has both an extensive coaching and boxing career that spans decades. His boxing career began while he was serving in the United States Air Force, and he fought amateur for three years. During this time he also won the New York State Golden Gloves Title; and

WHEREAS, Coach began an extensive career in coaching that started at St. Regis and continues presently 7 days a week at Riverside Community Center, where he has been for over 25 years; and

WHEREAS, in his coaching career not only has Coach won multiple state Golden Gloves team titles and "team title" the first five years at Riverside, he has also won the last two years' state team title and has also coached such notable boxers as Lamon Brewster (current World Boxing Organization Heavyweight Champion), Clarence White, and Marcus McIntire; and

WHEREAS, Coach helped found the Black Expo Boxing Tourney in 1971 and estimates that he has coached “over a thousand” boxers. Two of them are ministers, some are police officers, and many of them keep in touch; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates Coach Chambers on an impressive boxing and coaching career that has touched many lives.

SECTION 2. The Council wishes Coach continued professional success, as well as much enjoyment with his family which includes wife, Mary (who does all the paperwork for the boxers), sons Robert, Ronnie, and Archie (who coaches at the new Washington Park Community Center), daughters Carla and Cheryl, and 9 beautiful grandchildren.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 379, 2005. The proposal, sponsored by Councillor Schneider, recognizes Mark Morgan for helping America fight the war on terrorism. Councillor Schneider read the proposal and presented Mr. Morgan with a copy of the document and a Council pin. Mr. Morgan thanked the Council for the recognition and urged them not to forget the thousands of men and women doing the same job every day. Councillor Schneider moved, seconded by Councillor Cockrum, for adoption. Proposal No. 379, 2005 was adopted by a unanimous voice vote.

Proposal No. 379, 2005 was retitled SPECIAL RESOLUTION NO. 50, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 50, 2005

A SPECIAL RESOLUTION recognizing Mark A. Morgan for helping America fight the war on terrorism.

WHEREAS, Mark A. Morgan had been a dedicated Indianapolis Water Company employee since 1997 when he answered the call to serve his country and left in 2004 to work for a United States defense contractor whose mission was to build and operate purified water systems to support the U.S. troops Forward Operating Bases in Iraq; and

WHEREAS, Mark’s unique skills in municipal water purification and delivery, as well as his small arms experience, made him uniquely valuable to support the troops and liberated Iraqi cities with properly designed fresh water production facilities; and

WHEREAS, Mark and his team served in some of the most dangerous areas in Iraq, such as Baghdad and Abu Ghraib, and endured numerous attacks from opposition forces with rocket propelled grenades (RPG’s) and daily indirect fire. Some of Mark’s co-worker’s will never return; and

WHEREAS, Mark quickly earned the respect and admiration of his co-workers and supervisors. In letters from Colonel Robert Thomas, Mark’s commanding officer, and Immediate Civilian Supervisor Daniel Haidon (of defense contractor Haliburton), Mark was highly complimented for his dedication and was recognized as “excelling past expectations under the harshest of environments and proven himself most valuable through the water mission. He has conducted operations under attack and ongoing hostilities throughout his tour of employment and has continuously displayed leadership and teamwork qualities, as well as gained respect from his peers and supervisors alike.”; and

WHEREAS, Mark will be returning to his duties at the Indianapolis Water Company on Monday, July 11, 2005; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

July 11, 2005

SECTION 1. The Indianapolis City-County Council is proud to have such a dedicated and courageous employee who epitomizes the dedication of all his fellow long-time employees at the Indianapolis Water Company.

SECTION 2. The Council wishes many blessings upon Mark and his wife, Joyce, and daughters Samantha and Hanna, who are all proud of Mark and are pleased he is home safe and sound.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Nytes stated that the Economic Development Committee heard Proposal Nos. 270-273, 2005 on June 29, 2005. She asked for consent to hear these proposals together. Councillor Cockrum asked that Proposal No. 273, 2005 be heard separately. Consent was given to vote on Proposal Nos. 270-272, 2005 together.

PROPOSAL NO. 270, 2005. The proposal, sponsored by Councillors Talley, Nytes and Langsford, reappoints Susan J. Powers to the City Market Corporation board of directors. PROPOSAL NO. 271, 2005. The proposal, sponsored by Councillors Nytes and Talley, reappoints Joanna Niehoff-Tuohy to the City Market Corporation board of directors. PROPOSAL NO. 272, 2005. The proposal, sponsored by Councillors Nytes and Talley, reappoints Alan Wiseman to the City Market Corporation board of directors. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Nytes moved, seconded by Councillor Langsford, for adoption. Proposal Nos. 270-272, 2005 were adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*  
0 NAYS:  
1 ABSENT: *Sanders*

Proposal No. 270, 2005 was retitled COUNCIL RESOLUTION NO. 61, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 61, 2005

A COUNCIL RESOLUTION reappointing Susan J. Powers to the City Market Corporation board of directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City Market Corporation board of directors, the Council reappoints:

Susan J. Powers

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

Proposal No. 271, 2005 was retitled COUNCIL RESOLUTION NO. 62, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 62, 2005

A COUNCIL RESOLUTION reappointing Joanna Niehoff-Tuohy to the City Market Corporation board of directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City Market Corporation board of directors, the Council reappoints:

Joanna Niehoff-Tuohy

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

Proposal No. 272, 2005 was retitled COUNCIL RESOLUTION NO. 63, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 63, 2005

A COUNCIL RESOLUTION reappointing Alan Wiseman to the City Market Corporation board of directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City Market Corporation board of directors, the Council reappoints:

Alan Wiseman

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 273, 2005. The proposal, sponsored by Councillors Nytes and Talley, reappoints Judy Stanley to the City Market Corporation board of directors. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum stated that Ms. Stanley's attendance record at meetings is not acceptable in his opinion. Councillor Nytes said that Ms. Stanley is a very dedicated member and often attends sub-committee meetings and does other work behind the scenes. She said that she will speak to her about her attendance. Councillor Cockrum asked that letter be written asking Ms. Stanley to improve her attendance. Councillor Nytes said that she will communicate this desire to her formally.

Councillor Nytes moved, seconded by Councillor Brown, for adoption. Proposal No. 273, 2005 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*  
0 NAYS:  
1 ABSENT: *Sanders*

Proposal No. 273, 2005 was retitled COUNCIL RESOLUTION NO. 64, 2005, and reads as follows:



July 11, 2005

CITY-COUNTY COUNCIL RESOLUTION NO. 64, 2005

A COUNCIL RESOLUTION reappointing Judy Stanley to the City Market Corporation board of directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City Market Corporation board of directors, the Council reappoints:

Judy Stanley

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 275, 2005. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 275, 2005 on June 29, 2005. The proposal, sponsored by Councillors Talley and Gray, appoints Patrice Abdullallah to the Marion County Community Corrections Advisory Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Gray, for adoption. Proposal No. 275, 2005 was adopted on the following roll call vote; viz:

*27 YEAS: Abdullallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*

*0 NAYS:*

*1 NOT VOTING: Bradford*

*1 ABSENT: Sanders*

Proposal No. 275, 2005 was retitled COUNCIL RESOLUTION NO. 65, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 65, 2005

A COUNCIL RESOLUTION appointing Patrice Abdullallah to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Patrice Abdullallah

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2007. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 300, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 300, 2005 on June 14, 2005. The proposal, sponsored by Councillors Talley and Gray, appoints Elizabeth Herriman to the Cable Franchise Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Gibson, for adoption. Proposal No. 300, 2005 was adopted on the following roll call vote; viz:

*25 YEAS: Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*

*0 NAYS:*

*3 NOT VOTING: Abduallah, Bradford, Gray*

*1 ABSENT: Sanders*

Proposal No. 300, 2005 was retitled COUNCIL RESOLUTION NO. 66, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 66, 2005

A COUNCIL RESOLUTION appointing Elizabeth Herriman to the Cable Franchise Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Cable Franchise Board, the Council appoints:

Elizabeth Herriman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the council or until a successor is appointed and qualifies.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 325, 2005. Introduced by Councillors Gray, Nytes and Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Bruce Melchert to the City Market Corporation board of directors"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 326, 2005. Introduced by Councillors Gray, Nytes and Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Lynn H. Molzan to the City Market Corporation board of directors"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 327, 2005. Introduced by Councillors Gray, Cockrum and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$910,000 in the 2005 Budget of the Department of Parks and Recreation (Park General Fund and City Cumulative Capital Improvement Fund) to purchase a new facility for park maintenance operations"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 328, 2005. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$50,000 in the 2005 Budget of the Department of Parks and Recreation (Federal Grants Fund) to purchase additional lunches for the 2005 Summer Lunch program, financed by a federal grant from the United States Department of Agriculture"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 329, 2005. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$173,780 in the 2005 Budget of the Department of Parks and Recreation (Federal Grants Fund) to continue after school programs for youth at IPS schools Forest Manor Middle School and Gambold Middle

School and will establish after-school programs at Washington Township schools Westlane Middle School and Northview Middle School, financed by federal grants"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 330, 2005. Introduced by Councillors Gray, Cockrum and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes interest in purchasing specified land to consolidate parks maintenance operations"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 331, 2005. Introduced by Councillors Gray, Nytes, Cockrum and Talley. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes interest in purchasing specified land for use as a youth golf facility"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 332, 2005. Introduced by Councillors Gray, Nytes, Cockrum and Talley. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes interest in purchasing additional specified land for use as a youth golf facility"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 333, 2005. Introduced by Councillors Gray, Cockrum and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the current language of the off-leash ordinance to allow for additional dog parks"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 334, 2005. Introduced by Councillors Gray, Talley and Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Eugene C. Hollander to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 336, 2005. Introduced by Councillors Moriarty Adams and Plowman. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,528,280 in the 2005 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund) for the following activities: HUD fraud investigations and youth re-entry programs within public housing weed and seed sites; purchase of bullet proof vests; technology upgrades including computers and dictation units; supplies and equipment for SCUBA, SWAT and the Emergency Response Group; upgraded building security; Hispanic/Latino youth outreach programs; weed and seed crime data collection; Marion County Sheriff's security training; and continuation of funding for deputy prosecutors in Juvenile and Community Prosecution units of the Marion County Prosecutor's Office, financed by grants from the federal departments of Justice and Housing and Urban Development"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 337, 2005. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$4,688,087 in the 2005 Budget of the Department of Public Safety, Emergency Management Division (Non-Lapsing Federal Grants Fund) to transfer funds between characters for an existing Homeland Security First Responder grant and to appropriate funds for a new grant to improve the communications capabilities and enhance prevention, response and recovery from a potential terrorist attack within Marion County, funded by a grant from the US Department of Homeland Security, State Domestic Preparedness Equipment Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 338, 2005. Introduced by Councillors Moriarty Adams, McWhirter and Brown. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$881,186 in the 2005 Budget of the Department of Public Safety, Fire Division (Federal Grants and Non-Lapsing Federal Grants Funds) to fund the Urban Search & Rescue Task Force for 2005-2006, including program staffing and management, medical screening for task force personnel, training, equipment storage and maintenance, and travel, financed by a grant from the Department of Homeland Security/Federal Emergency Management Agency and transfers between characters"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 339, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$35,349 in the 2005 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to pay for sentencing consultants, evaluations client services assistant coordinator (part-time position) and travel expense, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 340, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$270,205 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund eight victim advocate positions for various divisions within the Prosecutor's Office, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 341, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$30,717 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to provide funding to Family Service Association for partial costs of staffing for A Child's Haven, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 342, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$64,130 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund the Salvation Army Social Service Center to provide quality shelter and support services to victims of domestic violence"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 343, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$31,994 in the 2005 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund the Adult Protective Services Victim Assistance Program for Family Service Association, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 344, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$95,237 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to funds 2.5 trained child interviewers located at the Child Advocacy Center, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 345, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$30,199 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund Hispanic Outreach Project which provides accessibility to services for Hispanic individuals, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 346, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$23,804 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to purchase two (2) total stations that would computerize crash scene data and crash reconstruction in operating a vehicle while intoxicated, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 347, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$195,577 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to provide funding for "Centers of Hope" at all Marion County Hospitals, which provide care to victims of sexual assault, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 348, 2005. Introduced by Councillors Borst and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which creates a new nonreverting fund to be known as the "Marion Superior Court Donation Fund""; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 349, 2005. Introduced by Councillors Borst and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which creates a Marion Superior Court petty cash fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 350, 2005. Introduced by Councillors Conley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers and appropriates \$34,526 in the 2005 Budget of the Department of Public Works, Fleet Services Division (Consolidated County Fund) to purchase mobile heavy duty vehicle lifts used to maintain fire apparatus and other heavy equipment, financed by a refund of a prior year purchase that is now in the fund balance"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 351, 2005. Introduced by Councillors Conley, Nytes, Borst, Boyd and Abdullah. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,000,000 in the 2005 Budget of the Department of Public Works, Engineering Division (Non-Lapsing Federal Grants Fund) to make infrastructure and streetscape improvements on 16th Street from Stadium Drive to Alonzo Watford Sr. Drive, financed by an appropriation from the federal government"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 352, 2005. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$200,000 in the 2005 Budget of the Department of Public Works, Policy Planning Division (Non-Lapsing Federal Grants Fund) to retrofit diesel-powered buses owned by the Indianapolis Public Schools (IPS)

and IndyGo, financed by a grant from the Federal Environmental Protection Agency"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 353, 2005. Introduced by Councillors Conley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers and appropriates \$1,250,000 in the 2005 Budget of the Department of Public Works, Fleet Services Division (Consolidated County Fund) to pay additional costs for motor vehicle fuel due to rising fuel prices, financed by a transfer between characters and fund balance"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 354, 2005. Introduced by Councillors Conley, Nytes, Keller and Abdullah. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,000,000 in the 2005 Budget of the Department of Public Works, Engineering Division (Non-Lapsing Federal Grants Fund) to design and build a new interchange at Washington Street and I-65/I-70 and to remove the Market Street ramp access bridge to I-65/I-70, financed by an appropriation from the federal government"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 355, 2005. Introduced by Councillor Randolph. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Mill Pond Subdivision (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 356, 2005. Introduced by Councillor Abdullah. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes 20-minute parking meters on Massachusetts Avenue between Vermont Street and Michigan Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 357, 2005. Introduced by Councillor Randolph. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Eagle Creek Manor (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 358, 2005. Introduced by Councillor Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Meadowview Farms, Sections 1 & 2 (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 359, 2005. Introduced by Councillor Day. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the intersection of Boyd Avenue and Calhoun Street (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 360, 2005. Introduced by Councillor Day. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Murray Street and Parker Avenue (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 361, 2005. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Prague Road between McFarland Road and Roncalli High School (District 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 362, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Crystal Lakes South Subdivision (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 363, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Wildcat Run Subdivision, Sections 4, 5, 6, 8, 9, 10 and 12 (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 364, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Indian Creek Meadows Subdivision, Section 1 (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 365, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Waters Edge at Cummins Farm Subdivision, Sections 1 and 2 (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 366, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Meadow Bend Subdivision, Sections 4 and 5 (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 367, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Ashland Subdivision, Sections 1 and 2 (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 368, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes an increase in the speed limit on Combs Road from County Line Road to Shelbyville Road (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 369, 2005. Introduced by Councillor Randolph. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 71st Street between Lafayette Road and Lakeside Drive (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 370, 2005. Introduced by Councillor Mansfield. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Crooked Creek Villages West Subdivision, Sections 4, 5, and 6 (District 2)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 371, 2005. Introduced by Councillors Conley and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Liz J. Raynor as hearing officer to preside over the administrative adjudication of parking citations"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 372, 2005. Introduced by Councillors Conley and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Susan Preble as hearing officer to preside over the administrative adjudication of parking citations"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 373, 2005. Introduced by Councillors Conley and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Juli Paini as hearing officer to preside over the administrative adjudication of parking citations"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 374, 2005. Introduced by Councillors Conley and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of LeAnnette M. Pierce as hearing officer to preside over the administrative adjudication of parking citations"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 375, 2005. Introduced by Councillors Keller, Day and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which directs the County Auditor to pay retroactive raises for IPD Recruit Classes 97-101 of the Indianapolis Police Department"; and the President referred it to the Rules and Public Policy Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

Councillor Mahern made the following motion:

Mr. President:

I move that Proposal No. 387, 2005 (Rezoning Case 2005-ZON-035 located at 2801 S. Pennsylvania Street) be scheduled for a hearing before this Council at its next regular meeting on August 8, 2005 at 7:00 p.m. and that the General Counsel read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Bowes seconded the motion and Proposal No. 387, 2005 was scheduled for a public hearing on August 8, 2005 by a unanimous voice vote and is identified as follows:

2005-ZON-035  
2801 SOUTH PENNSYLVANIA STREET (Approximate Address), INDIANAPOLIS  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19.  
WHEELER MISSION MINISTRIES, by Eugene Valanzano, requests a rezoning of four acres, being in the C-1 District, to the SU-7 classification to provide for the development of a women's center housing up to 120 women and children.

General Counsel Aaron Haith read the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2005-ZON-035, Council Proposal No. 387, 2005, at its next regular meeting on August 8, 2005, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone four acres, being in the C-1 District, to the SU-7 classification to provide for the development of a women's center housing up to 120 women and children.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.



PROPOSAL NOS. 380-385, 2005, PROPOSAL NO. 386, 2005, and PROPOSAL NOS. 388-392, 2005. Introduced by Councillor Mahern. Proposal Nos. 380-385, 2005, Proposal No. 386, 2005, and Proposal Nos. 388-392, 2005 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on June 23, 2005. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 83-94, 2005, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 83, 2005.

2005-ZON-023 (Amended)

25 GASOLINE ALLEY (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 14.

BOLLENBACHER PROPERTIES, LLC, by Joseph D. Calderon, requests a rezoning of 8.705 acres, being in the I-2-S (FW)(FF) and C-3 (FF) Districts, to the C-S (FW)(FF) classification to provide for the development of a business/industrial park marketed to the auto racing industry.

REZONING ORDINANCE NO. 84, 2005.

2005-ZON-049

4815, 4929 AND 5009 GADSDEN STREET (Approximate Addresses), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #22.

METROPOLITAN SCHOOL DISTRICT OF WAYNE TOWNSHIP, by Philip A. Nicely, requests a rezoning of 0.47 acre, being in the D-4 District, to the SU-2 classification to provide for educational uses.

REZONING ORDINANCE NO. 85, 2005.

2005-ZON-072

1845 EAST MICHIGAN STREET AND 478 NORTH RANDOLPH STREET (Approximate Addresses) INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

JEFF MOE, by Steven R. Hall, requests a rezoning of 0.33 acre, being in the C-2 District, to the C-3 classification to provide for retail uses.

REZONING ORDINANCE NO. 86, 2005.

2005-ZON-808

6505, 6555, 6721, 6735, 6811, AND 6821 FIVE POINTS ROAD (Approximate Addresses), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25.

WEL II, LLC, by David A. Retherford, requests a rezoning of 66.373 acres, being in the D-A District, to the D-2 classification to provide for the development of a single-family residential subdivision.

REZONING ORDINANCE NO. 87, 2005.

2005-ZON-817 (2004-DP-009)

8511 AND 8516 SOUTH ARLINGTON AVENUE (Approximate Addresses), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT #25

TIMBERWOOD, INC., by David A. Retherford, requests a rezoning of 40 acres, being in the D-A District, to the D-P classification to provide for a single-family subdivision for adults only, and a church.

REZONING ORDINANCE NO. 88, 2005.

2005-ZON-820

6405 CASTLEPLACE DRIVE (Approximate Address), INDIANAPOLIS

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5.

ZIRP-CASTLETON, LLC, by Joseph D. Calderon, requests a rezoning of 1.509 acres, being in the C-S District, to the C-S classification to provide for religious uses.

REZONING ORDINANCE NO. 89, 2005.

2005-ZON-028 (2005-DP-001) (Amended)

508 WEST EPLER AVENUE AND 5335 BLUFF ROAD (Approximate Addresses), INDIANAPOLIS  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 23.  
BAY DEVELOPMENT, by David A. Retherford, requests a rezoning of 63.1 acres, being in the D-A District, to the D-P classification to provide for construction of a single-family residential development and the continued business and agricultural operations of the Adrian Orchard Farm Store.

REZONING ORDINANCE NO. 90, 2005.  
2005-ZON-041

7846 KNAPP ROAD (Approximate Address), INDIANAPOLIS  
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25.  
HANSEN CUSTOM HOMES, INC., by David A. Retherford, requests a rezoning of 40 acres, being in the D-A (FF) District, to the D-2 (FF) classification to provide for the construction of a residential subdivision.

REZONING ORDINANCE NO. 91, 2005.  
2005-ZON-043

5625 KENTUCKY AVENUE (Approximate Address), INDIANAPOLIS  
DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 22.  
PLEASANT HEIGHTS BAPTIST CHURCH requests a rezoning of 9.836 acres, being in the C-3 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 92, 2005.  
2005-ZON-058

1101-1113 EAST PROSPECT STREET and 1119 SOUTH SHELBY STREET (Approximate Address), INDIANAPOLIS  
CENTER TOWNSHIP, COUNCILMAN DISTRICT #19.  
NEIGHBORHOOD DOWNTOWN ZONING ASSISTANCE request a rezoning OF 0.62 acre, being in the C-4 District, to the CS classification to provide for commercial uses.

REZONING ORDINANCE NO. 93, 2005.  
2005-ZON-060

1720 WEST THOMPSON ROAD (Approximate Address), INDIANAPOLIS  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 22.  
MIKE MILLER requests a rezoning of 21.43 acres, being in the C-S (FF) District, to the C-S (FF) classification to provide for truck sales in addition to the existing permitted uses.

REZONING ORDINANCE NO. 94, 2005.  
2005-ZON-062

11825 EAST 46<sup>TH</sup> STREET (Approximate Address), INDIANAPOLIS  
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 18.  
METROPOLITAN SCHOOL DISTRICT OF LAWRENCE TOWNSHIP, by Nancy A. Long, requests a rezoning of 30 acres, being in the D-P (FF) District, to the SU-2 (FF) classification to provide for the construction of a building addition to an elementary school.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 211, 2005. In Chair Sanders' absence, Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 211, 2005 on May 17 and June 21, 2005. The proposal, sponsored by Councillor Nytes, approves an increase of \$250,000 in the 2005 budget of the Center Township Assessor (Property Reassessment Fund) to offset the reduction in the General Fund. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 8:16 p.m.

Reverend Pamela M. Pinkney, citizen, asked how the City can continue to borrow money without first seeking involvement from the faith community.

July 11, 2005

There being no further testimony, Councillor Nytes moved, seconded by Councillor Gibson, for adoption. Proposal No. 211, 2005 was adopted on the following roll call vote; viz:

26 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*

0 NAYS:

2 NOT VOTING: *Brown, Gray*

1 ABSENT: *Sanders*

Proposal No. 211, 2005 was retitled FISCAL ORDINANCE NO. 72, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 72, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 137, 2004) appropriating an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the Property Reassessment Fund for purposes of the Center Township Assessor and reducing the unappropriated and unencumbered balance in the Property Reassessment Fund

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (j) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes to establish budget in the Property Reassessment Fund to offset the reduction in the County General Fund.

SECTION 2. The sum of additional Two Hundred Fifty Thousand Dollars (\$250,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>CENTER TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
1. Personal Services	185,186
1. Personal Services - fringes	<u>64,814</u>
TOTAL INCREASE	250,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PROPERTY REASSESSMENT FUND</u>
Unappropriated and Unencumbered Property Reassessment Fund	<u>250,000</u>
TOTAL REDUCTION	250,000

SECTION 5. The projected December 31, 2005, fund balance for the Property Reassessment Fund is as follows:

Current cash balance 03-31-05	2,637,495
Anticipated additional revenue through December 31, 2005	<u>2,046,930</u>
Projected funds available	4,684,425
Remaining appropriations and encumbrances	4,051,866
Proposed additional appropriation	<u>250,000</u>
Funds required	3,698,652
Projected fund balance December 31, 2005	985,773

SECTION 6. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 248, 277, 278, 281, 284, 285, 287-289, and 291-293, 2005 on June 29, 2005. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 248, 2005. The proposal, sponsored by Councillors Boyd and Moriarty Adams, approves an increase of \$60,000 in the 2005 Budget of the Community Corrections Agency (State and Federal Grants Fund) to pay for facilitation services as criminal justice officials redesign the Juvenile Justice System, funded by a grant from the Department of Corrections. PROPOSAL NO. 277, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$300,000 in the 2005 budget of the Marion County Clerk (Clerk's Perpetuation Fund) to help fund the creation and implementation of Justice.Net (case management system). PROPOSAL NO. 278, 2005. The proposal, sponsored by Councillor McWhirter, approves an increase of \$3,920 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund additional transportation passes to be used by domestic violence victims served by the Salvation Army Social Service Center, funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 281, 2005. The proposal, sponsored by Councillor McWhirter, approves an increase of \$57,300 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to provide funding for a deputy prosecutor and part-time investigator/victim advocate for the joint project Regional Gang Interdiction Program, funded by a grant from Byrne Memorial funds awarded by the Indiana Criminal Justice Institute. PROPOSAL NO. 284, 2005. The proposal, sponsored by Councillor McWhirter, approves an increase of \$250,000 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund the budget of the Child Advocacy Center, funded by a grant from Family Social Service Administration (FSSA). PROPOSAL NO. 285, 2005. The proposal, sponsored by Councillor McWhirter, approves an increase of \$346,062 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund the Adult Protective Services Unit, funded by a grant from Indiana Family Social Services Administration (FSSA). PROPOSAL NO. 287, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$2,975,032 in the 2005 Budget of the Marion County Community Corrections (State and Federal Grants Fund) to appropriate state funds for fiscal year 2005/2006, funded by a grant from the Department of Corrections. PROPOSAL NO. 288, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$224,305 in the 2005 Budget of the Marion County Community Corrections (State and Federal Grants Fund) to appropriate juvenile funds for the fiscal year 2005/2006, funded by a grant from the Department of Corrections. PROPOSAL NO. 289, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$1,343,091 in the 2005 Budget of the Marion County Community Corrections (Home Detention User Fee Fund) to fund the first six months of fiscal year 2005/2006. PROPOSAL NO. 291, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$2,500 in the 2005 Budget of the Marion County Justice Agency (Law Enforcement Fund) for the purchase of one laptop computer, software, and two monitors for employees of the Agency. PROPOSAL NO. 292, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$60,000 in the 2005 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to cover salary expense for Indianapolis Violence Reduction Partnership Project Coordination and related expenses. PROPOSAL NO. 293, 2005. The proposal, sponsored by Councillor Borst, approves an increase of \$50,000 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) for the Access Program, funded by a grant from Family Social Services Administration. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Talley called for public testimony at 8:40 p.m.

July 11, 2005

Reverend Pinkney asked the Council to stop giving money to people that abuse women and children and she provided written comments to the General Counsel.

Robert Yaharra, citizen, stated that he supports Proposal No. 285, 2005 that helps protect the elderly and their property rights.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Borst, for adoption. Proposal Nos. 248, 277, 278, 281, 284, 285, 287-289, and 291-293, 2005 were adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*  
0 NAYS:  
1 ABSENT: *Sanders*

Proposal No. 248, 2005 was retitled FISCAL ORDINANCE NO. 73, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance Nos. 138 and 139, 2004 c) transferring and appropriating an additional Sixty Thousand Dollars (\$60,000) in the State and Federal Grants Fund for purposes of the Community Corrections Agency and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Community Corrections Agency to pay for facilitation services as criminal justice officials redesign the Juvenile Justice System.

SECTION 2. The sum of additional Sixty Thousand Dollars (\$60,000) be, and the same is hereby, increased for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>60,000</u>
TOTAL INCREASE	60,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>60,000</u>
TOTAL DECREASE	60,000

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 277, 2005 was retitled FISCAL ORDINANCE NO. 74, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 74, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Three Hundred Thousand Dollars (\$300,000) in the Marion County Clerk's Perpetuation Fund for purposes of the County Clerk and reducing the unappropriated and unencumbered balance in the Clerk's Perpetuation Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (a) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Clerk to help fund the creation and implementation of Justice. Net. (Case management system).

SECTION 2. The sum of additional Three Hundred Thousand Dollars (\$300,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY CLERK</u>	<u>CLERK'S PERPETUATION FUND</u>
3. Other Services and Charges	<u>300,000</u>
TOTAL INCREASE	300,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CLERK'S PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Clerk's Perpetuation Fund	<u>300,000</u>
TOTAL REDUCTION	300,000

SECTION 5. The projected December 31, 2005, fund balance for the Clerk's Perpetuation Fund is as follows:

Current cash balance 04-30-05	813,376
Anticipated additional revenue through December 31, 2005	<u>256,683</u>
Projected funds available	1,070,059
Remaining appropriations and encumbrances	269,550
Proposed additional appropriation	<u>300,000</u>
Funds required	569,550
Projected fund balance December 31, 2005	500,590

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 278, 2005 was retitled FISCAL ORDINANCE NO. 75, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 75, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Three Thousand Nine Hundred Twenty Dollars (\$3,920) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to fund additional transportation passes to be used by domestic violence victims served by the Salvation Army Social Service Center.

July 11, 2005

SECTION 2. The sum of Three Thousand Nine Hundred Twenty Dollars (\$3,920) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>3,920</u>
TOTAL INCREASE	3,920

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>3,920</u>
TOTAL REDUCTION	3,920

SECTION 5. Local match, \$980, funded by the Salvation Army.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 281, 2005 was retitled FISCAL ORDINANCE NO. 76, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 76, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Fifty-seven Thousand Three Hundred Dollars (\$57,300) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to provide funding for a deputy prosecutor and part-time investigator/victim advocate for the joint project Regional Gang Interdiction Program.

SECTION 2. The sum of Fifty-seven Thousand Three Hundred Dollars (\$57,300) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>57,300</u>
TOTAL INCREASE	57,300

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>57,300</u>
TOTAL REDUCTION	57,300

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 284, 2005 was retitled FISCAL ORDINANCE NO. 77, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 77, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to fund the budget of the Child Advocacy Center.

SECTION 2. The sum of Two Hundred Fifty Thousand Dollars (\$250,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	105,300
1. Personal Services-fringes	35,355
2. Supplies	11,239
3. Other Services and Charges	97,000
4. Capital Outlay	<u>1,106</u>
TOTAL INCREASE	250,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>250,000</u>
TOTAL REDUCTION	250,000

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 285, 2005 was retitled FISCAL ORDINANCE NO. 78, 2005, and reads as follows:



July 11, 2005

CITY-COUNTY FISCAL ORDINANCE NO. 78, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Three Hundred Forty-six Thousand Sixty-two Dollars (\$346,062) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to fund the Adult Protective Services Unit.

SECTION 2. The sum of Three Hundred Forty-six Thousand Sixty-two Dollars (\$346,062) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	246,152
1. Personal Services-fringes	62,000
2. Supplies	1,500
3. Other Services and Charges	<u>36,410</u>
TOTAL INCREASE	346,062

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>346,062</u>
TOTAL REDUCTION	346,062

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 287, 2005 was retitled FISCAL ORDINANCE NO. 79, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 79, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005(City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Two Million Nine Hundred Seventy-five Thousand Thirty-two Dollars (\$2,975,032) in the State and Federal Grants Fund for purposes of Marion County Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (C) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Marion County Community Corrections to appropriate State funds for fiscal year 2005/2006.

SECTION 2. The sum of Two Million Nine Hundred Seventy-five Thousand Thirty-two Dollars (\$2,975,032) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	774,757
1. Personal Services-fringe	227,863
2. Supplies	30,511
3. Other Services and Charges	<u>1,941,901</u>
TOTAL INCREASE	2,975,032

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>2,975,032</u>
TOTAL REDUCTION	2,975,032

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 288, 2005 was retitled FISCAL ORDINANCE NO. 80, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 80, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005(City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Two Hundred Twenty-four Thousand Three Hundred Five Dollars (\$224,305) in the State and Federal Grants Fund for purposes of Marion County Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (C) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Community Corrections to appropriate Juvenile funds for fiscal year 2005/2006.

SECTION 2. The sum of Two Hundred Twenty-four Thousand Three Hundred Five Dollars (\$224,305) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	155,982
1. Personal Services-fringe	46,795
2. Supplies	2,000
3. Other Services and Charges	<u>19,528</u>
TOTAL INCREASE	224,305

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>224,305</u>
TOTAL REDUCTION	224,305

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

July 11, 2005

Proposal No. 289, 2005 was retitled FISCAL ORDINANCE NO. 81, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 81, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating an additional One Million Three Hundred Forty-three Thousand Ninety-one Dollars (\$1,343,091) in the User Fee Fund for purposes of the Marion County Community Corrections Agency and reducing the unappropriated and unencumbered balance in the Home Detention User Fee Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Community Corrections Agency to fund the first six months of Fiscal Year 2005/2006.

SECTION 2. The sum of One Million Three Hundred Forty-three Thousand Ninety-one Dollars (\$1,343,091) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services	557,308
1. Personal Services-fringes	195,057
2. Supplies	28,500
3. Other Services and Charges	539,726
4. Capital Outlay	<u>22,500</u>
TOTAL INCREASE	1,343,091

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>1,343,091</u>
TOTAL REDUCTION	1,343,091

SECTION 5. The projected June 30, 2006 fund balance for the Home Detention User Fee Fund is as follows:

Current cash balance 04-30-05	1,947,043
Anticipated additional revenue through June 30, 2006	<u>2,924,312</u>
Projected funds available	4,871,355
Remaining appropriations and encumbrances	1,498,837
Proposed additional appropriation	<u>1,343,091</u>
Funds required	2,841,928
Projected fund balance June 30, 2006	2,029,427

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 291, 2005 was retitled FISCAL ORDINANCE NO. 82, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 82, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Two Thousand Five Hundred Dollars (\$2,500) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section (d) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of purchasing one laptop computer, software, and two monitors.

SECTION 2. The sum of additional Two Thousand Five Hundred Dollars (\$2,500) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
4. Capital Outlay	<u>2,500</u>
TOTAL INCREASE	2,500

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>2,500</u>
TOTAL REDUCTION	2,500

SECTION 5. The projected December 31, 2005, fund balance for the Law Enforcement Fund is as follows:

Current cash balance 04-30-05	1,309,851
Anticipated additional revenue through December 31, 2005	<u>431,390</u>
Projected funds available	1,741,160
Remaining appropriations and encumbrances	738,526
Proposed additional appropriation	<u>2,500</u>
Funds required	741,026
Projected fund balance December 31, 2005	1,000,134

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 292, 2005 was retitled FISCAL ORDINANCE NO. 83, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 83, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Sixty Thousand Dollars (\$60,000) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (d) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to cover salary expense for Indianapolis Violence Reduction Partnership Project Coordination and related expenses.

SECTION 2. The sum of an additional Sixty Thousand Dollars (\$60,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

July 11, 2005

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	56,228
3. Other Services and Charges	<u>3,772</u>
TOTAL INCREASE	60,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>60,000</u>
TOTAL REDUCTION	60,000

SECTION 5. Local match of \$20,000 is funded by the following existing appropriations in the Marion County Justice Agency:

Existing appropriations for Marion County Justice Agency	<u>COUNTY GENERAL FUND</u>
1. Personal Services-fringes	<u>20,000</u>
TOTAL	20,000

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 293, 2005 was retitled FISCAL ORDINANCE NO. 84, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 84, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Fifty Thousand Dollars (\$50,000) in the State and Federal Grants Fund for purposes of the Marion Superior Court, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court, to appropriate grant for the Access Program.

SECTION 2. The sum of an additional Fifty Thousand Dollars (\$50,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	47,637
2. Supplies	1,000
3. Other Services and Charges	<u>1,363</u>
TOTAL INCREASE	50,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>50,000</u>
TOTAL REDUCTION	50,000

SECTION 5. The local match of \$16,349 is funded by the following existing appropriations in the Marion Superior Court.

MARION SUPERIOR COURT

1. Personal Services  
3. Other Services and Charges  
TOTAL MATCH

COUNTY GENERAL FUND

5,525  
10,824  
16,349

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 172, 2005. In Chair Sanders' absence, Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 172, 2005 on May 3 and June 21, 2005. The proposal, sponsored by Councillors Nytes and McWhirter, determines the need to lease approximately 47,720 square feet of office space at 1848 Ludlow Avenue for a Work Release Center of the Marion County Community Corrections Agency. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor McWhirter, for adoption. Proposal No. 172, 2005 was adopted on the following roll call vote; viz:

*28 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*

*0 NAYS:*

*1 ABSENT: Sanders*

Proposal No. 172, 2005 was retitled SPECIAL RESOLUTION NO. 51, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 51, 2005

A SPECIAL RESOLUTION determining the need to lease approximately 47,720 square feet of office space at 1848 Ludlow Avenue, Indianapolis, Indiana, for a Work Release Center of the Marion County Community Corrections Agency.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to I.C. 36-1-10-7(2), has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of a Work Release Center of the Marion County Community Corrections Agency is necessary.

SECTION 2. The property to be leased is located at 1848 Ludlow Avenue, Indianapolis, Indiana, and is owned by Vertical Properties of Indianapolis, Indiana.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

PROPOSAL NO. 238, 2005. In Chair Sanders' absence, Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 238, 2005 on May 31 and June 21,

2005. The proposal, sponsored by Councillor Plowman, approves a transfer of \$1,100,746 in the 2005 Budget of the Marion County Auditor, Marion County Clerk, Voters Registration, Marion County Treasurer, Franklin Township Assessor, Marion County Prosecutor, Prosecutor's Child Support Division, Forensic Services Agency, Marion County Sheriff, Community Corrections, Marion Circuit Court, Marion County Justice Agency, Marion Superior Court, and Guardian Home (County General Fund) to bring Marion County employees up to minimum salary grade. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Nytes stated that it was decided there were too many elements in one proposal, and the proposal was broken down into separate proposals, and there is therefore no longer a need for this proposal. Councillor Nytes moved, seconded by Councillor Plowman, to strike. Proposal No. 238, 2005 was stricken by a unanimous voice vote.

PROPOSAL NO. 242, 2005. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 242, 2005 on June 6 and 27, 2005. The proposal, sponsored by Councillor Pfisterer, amends the zoning ordinance to authorize certain law enforcement officers to carry out inspections relating to the enforcement of zoning ordinances and land use regulations; to restrict locations for storage in dwelling districts; to clarify the definition of inoperable vehicle; to clarify the fencing requirement for swimming pools and hot tubs, to eliminate screening requirements for swimming pools and hot tubs and to update state statute citations. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mahern moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 242, 2005 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Keller, Langsford, Mahern, Mansfield, McWhirter, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy*  
0 NAYS:  
5 NOT VOTING: *Abduallah, Franklin, Gray, Moriarty Adams, Talley*  
1 ABSENT: *Sanders*

Proposal No. 242, 2005 was retitled GENERAL ORDINANCE NO. 63, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 2005

PROPOSAL FOR A GENERAL ORDINANCE to amend the zoning ordinance to authorize certain law enforcement officers to carry out inspections relating to the enforcement of zoning ordinances and land use regulations; to restrict locations for recreational vehicle parking and storage in dwelling districts; to clarify the definition of inoperable vehicle and recreational vehicle; to clarify the fencing requirement for swimming pools and hot tubs, to eliminate screening requirements for swimming pools and hot tubs and to update state statute citations.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 730-501 of the "Revised Code of the Consolidated City and County," regarding definitions, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 730-501. Definitions.**

For purposes of this article, the following definitions shall be applied:

*Administrator* means the Administrator of the Division of Compliance of the Department of Metropolitan Development of the Consolidated City of Indianapolis.

*Designated enforcement entity* means the Metropolitan Development Commission of Marion County, Indiana.

*Inoperable ~~motor~~ vehicle* means:

(1) A motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle from which there has been removed ~~the~~ engine, transmission or differential parts or that is otherwise partially dismantled or mechanically inoperable; or

(2) Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, which cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.

*Inspectors* means employees of the division of compliance authorized by the Administrator to enter, examine and survey all lands within Marion County to accomplish the enforcement of all zoning ordinances and land use regulations of Marion County.

*Land use petition* means a rezoning petition, variance petition, approval petition, special exception petition, or any other petition permitted by the rules of procedure adopted by the Metropolitan Development Commission of Marion County or the Metropolitan Board of Zoning Appeals.

*Law enforcement officer means any sworn member of the Marion County sheriff's department, Indianapolis police department, Beech Grove police department, Lawrence police department, Southport police department, Speedway police department or Cumberland police department, acting within their legal authority and jurisdiction.*

*Site improvement* means the erection, construction, placement, repair, alteration, conversion, removal, demolition, maintenance, moving, razing or remodeling of any new or existing structure or any part thereof; any activity for which an Improvement Location Permit is required.

*Zoning districts* mean the districts depicted by the comprehensive zoning maps of Marion County, Indiana.

SECTION 2. Section 730-503 of the "Revised Code of the Consolidated City and County," regarding the inspection of property to enforce zoning ordinances, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 730-503. Inspection of property; right of entry.**

(a) The Administrator, ~~and~~ inspectors and law enforcement officers are authorized to make inspections of all lands located within Marion County in order to enforce all zoning ordinances and land use regulations of Marion County, Indiana.

(b) In order to execute inspections, the Administrator, ~~and~~ inspectors and law enforcement officers shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his/their duties in the enforcement of zoning ordinances and land use regulations of Marion County, Indiana, unless the owner or occupant of the premises refuses to permit entry to the Administrator, ~~or~~ inspectors or law enforcement officers when such entry is sought pursuant to this section. In the event of such refusal, the Administrator may make application to any judge of the municipal, circuit or superior courts of Marion County, Indiana, for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is a violation of a zoning ordinance or land use regulation of Marion County, Indiana, exists on such premises, or that a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner or occupant to permit entry to the Administrator, ~~or~~ inspectors or law enforcement officers for the purposes stated therein. In no event shall the Administrator, ~~or~~ inspectors or law enforcement officers have the right to enter a residential structure or other structures not open to the public without the permission of the owner or occupant and/or an administrative search warrant first obtained. Prior to entering such residential structure or other structure not open to the public, the Administrator, ~~or~~ inspectors or law enforcement officers shall advise the owner or occupant that such owner or occupant is not required to grant entry without the presentation of an administrative search warrant.

SECTION 3. Section 730-505 of the "Revised Code of the Consolidated City and County," regarding the outside storage of inoperable vehicles, hereby is amended by the deletion of the language that is stricken-through, to read as follows:



**Sec. 730-505. Civil zoning violations.**

(a) It shall be unlawful for any person who is the owner or contract vendee of, or who has a possessory interest in, real property located in Marion County to cause, suffer or allow any of the following civil zoning violations to occur on such property:

- (1) The location, erection, or maintenance of any sign not specifically permitted by Chapter 734 of this Code;
- (2) The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of Article III of this chapter;
- (3) The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use;
- (4) The outdoor storage of inoperable ~~motor~~ vehicles or ~~motor~~ vehicle parts in any zoning district, the provisions of which do not specifically permit such a use;
- (5) The parking or storage in any zoning district, the provisions of which do not specifically permit such a use, of any ~~motor~~ vehicle used or designed (a) for use in pulling, towing, hauling, transporting, or (b) as a temporary or permanent base, platform or support for equipment, machinery, materials or other goods. This provision shall include but not be limited to school buses, buses used for public transportation, stake body trucks, dump trucks, trucks or tractors having dual rear wheels or more than two (2) axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet. However, this provisions does not apply to motor vehicles which do not exceed the three-quarter ton load classification in size and which are the sole vehicular transportation for a resident of the property upon which the commercial motor vehicle is parked or stored;
- (6) The outdoor storage or display of merchandise or goods in any zoning district, the provisions of which do not specifically permit such a use or in violation of zoning district development standards regulating such use;
- (7) The conduct of any activity in a dwelling zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district, and which activity has not been legally established by a currently valid variance, special exception or other approval grant;
- (8) Failure to comply with zoning district development standards, including but not limited to landscaping, paving or striping of parking areas, minimum parking space requirements, dumpster enclosure, fencing or screening requirements;
- (9) The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, rezoning ordinance, or other approval grant; and
- (10) The violation of a stop-work order issued pursuant to section 730-504.

(b) Each day a civil zoning violation remains uncorrected constitutes a second or subsequent violation. It shall be a defense to an action to enforce a civil zoning violation that the use or activity alleged to be a civil zoning violation is a legally established nonconforming use.

SECTION 4. Section 731-102 of the "Revised Code of the Consolidated City and County," regarding zoning ordinance definitions for the dwelling districts, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 731-102. Definitions.**

The words in the text of this article and Article II of this chapter shall be interpreted in accordance with the definitions set forth below.

- (1) *Abut*: To physically touch or border upon; or to share a common property line.
- (2) *Access*: The way by which vehicles shall have ingress to and egress from a land parcel or property and the either street fronting along said property or parcel or an abutting alley.

- (3) *Access drive*: That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property. (See Diagram A [not included herein].)
- (4) *Accessory*: A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.
- (5) *Administrator*: Administrator of the Division of Planning or his/her appointed representative.
- (6) *Agricultural enterprise*: The land use of farming, cultivation of crops, dairying, pasturage, horticulture, floriculture, viticulture, animal and poultry husbandry, with the necessary, accompanying accessory use(s), building(s), or structure(s) for housing, packing, treating, or storing said products.
- (7) *Alley*: Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot(s).
- (8) *Alteration*: Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.
- (9) *Antenna*: A device that is designed to receive:
  - a. Direct broadcasts satellite service, including direct-to-home satellite services; or
  - b. Video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or
  - c. Television broadcast signals.
- (10) *Attached multifamily dwelling*: See "Dwelling, multifamily attached."
- (11) *Awning*: A roof-like cover, often of fabric, metal or glass designed and intended to either protect from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or a similar feature.
- (12) *Balcony, exterior*: An unenclosed platform structure supported by and projecting from the exterior side of a building gaining sole access from said building, and designed and intended for either decorative purposes or lounging, dining, and similar activities.
- (13) *Basement*: That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half (1/2) or more of its interior vertical height clearance below grade level.
- (14) *Bathroom*: An accessory building of one (1) or more rooms not open to the public, designed and intended for exclusive use by occupant(s) of the primary use and their guest(s) as dressing room(s) and may or may not include sanitary facilities.
- (15) *Bed and breakfast*: The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, one- or two-family dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the travelling public.
- (16) *Boardinghouse*: A community facility, other than hotels, motels, containing accommodation facilities in common where lodging, typically with meals reserved solely for the occupants thereof, is provided for a fee.

- (17) *Buildable area*: The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met. (See Diagram B [not included herein].)
- (18) *Building*: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.
- (19) *Building area*: The total ground area, within the lot or project, covered by the primary structure, plus garages, carports and other accessory structures which are greater than eighteen (18) inches above grade level, excluding fences and walls not attached in any way to a roof (See Diagram B [not included herein].)
- (20) *Cabana*: Same as "Bathhouse".
- (21) *Canopy*: A rooflike cover, often of fabric, metal, or glass on a support, which is supported in total or in part, from the ground providing shelter over a doorway or outside walk.
- (22) *Carport*: A roofed structure designed and intended to shelter the automotive vehicle(s) of the premises' occupant(s) or owner(s), with at least one (1) side permanently open to the weather.
- (23) *Child*, per IC 12-7-2-28: An individual who is less than eighteen (18) years of age.
- (24) *Child care*, per IC 12-7-2-28.2: A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.
- (25) *Child care home*, per IC 12-7-2-28.6:
  - a. A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative) at any time receive child care from a provider:
    - 1. While unattended by a parent, legal guardian, or custodian;
    - 2. For regular compensation; and
    - 3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.
  - b. The term includes:
    - 1. A class I child care home;
    - 2. A class II child care home; and
    - 3. Exempt licenses, per 470 IAC 3-1.1-26.
- (26) *Class I child care home*, per IC 12-7-2-33.7:
  - a. A child care home that serves any combination of full-time and part-time children, not to exceed twelve (12) children at any one (1) time.
  - b. A child:
    - 1. For whom the provider of care is a parent, stepparent, guardian, custodian or other relative; and
    - 2. Who is at least seven (7) years of age; shall not be counted in determining whether the child care home is within the limit set forth in subsection a.
- (27) *Class II child care home*, per IC 12-7-2-33.8:
  - a. A child care home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.

b. A child:

1. For whom the provider of care is a parent, stepparent, guardian, custodian, or other relative; and
  2. Who is at least seven (7) years of age; shall not be counted in determining whether the child care home is within the limit set forth in subsection a.
- (28) *Cluster*: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features in perpetuity.
- (29) *Cluster subdivision*: A form of development for single-family residential subdivisions that permits a reduction in the minimum lot: area, width, setback and open space requirements and to concentrate development in specific areas of the subdivision while also maintaining the same overall density permitted under a conventional subdivision in a given zoning district, and, the remaining land area is devoted to open space, or recreational areas in perpetuity.
- (30) *Collector street*: See "Street, collector".
- (31) *Commission*: The Metropolitan Development Commission of Marion County, Indiana.
- (32) *Commitment*: An officially recorded agreement concerning and running with the land as recorded in the Office of the Marion County Recorder.
- (33) *Comprehensive plan*: The applicable comprehensive or master plan for Marion County, Indiana, or a segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4-500 Series, and all acts amendatory thereto.
- (34) *Condition*: An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a variance, special exception or approval petition as signed by the Administrator.
- (35) *Condominium*: A building, group of buildings, or portion thereof, in which units are owned individually, and the structure, common areas, or facilities are owned by all the owners on a proportional, undivided basis.
- (36) *Corner lot*: See "Lot, corner".
- (37) *Covenant*: A private legal restriction on the use of land contained in the deed, plat and other legal documents pertaining to the property.
- (38) *Covenant, parol*: A verbal, binding agreement, made at a public parol hearing, restricting the use of the land.
- (39) *Covered open space*: See "Open space, covered".
- (40) *Crown of the street*: The highest point of pavement between the existing curb lines of a street cross-section, most often at the centerline.
- (41) *Cul-de-sac*: See "Street, cul-de-sac".
- (42) *Curb cut*: The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street. (See Diagram A [not included herein].)
- (43) *Curb line*: A line located on either edge of the pavement, but within the right-of-way line. (See Diagram A [not included herein].)
- (44) *Deck*: A ground-supported, unenclosed, accessory platform structure, usually constructed of wood, of which any permanent horizontal area(s) of the platform is raised eighteen (18) inches or more above grade level designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.
- (45) *Double dwelling*: Same as "Dwelling, two-family".

- (46) *Drip line*: The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.
- (47) *Driveway*: Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line. (See Diagram A [not included herein].)
- (48) *Duplex*: Same as "Dwelling, two-family".
- (49) *Dwelling, manufactured home*: A unit which is fabricated in one (1) or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. Every module shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. The unit must have been built after January 1, 1981, have at least nine hundred fifty (950) square feet of main floor area (exclusive of garages, carports, and open porches), and exceed twenty-three (23) feet in width.
- (50) *Dwelling, mobile*: A movable or portable unit fabricated in one (1) or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. The unit is designed for occupancy by one (1) family, and erected or located as specified by Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, and which was either:
  - a. Constructed prior to June 15, 1976, and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,
  - b. Constructed subsequent to or on June 15, 1976, and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.
- (51) *Dwelling, modular home*: A unit which is fabricated in one (1) or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one (1) family unit. Every module shall bear the seal certified that it was built in compliance with Indiana Public Law 360. The unit must have been built in compliance with the CABO One- and Two-Family Dwelling Code.
- (52) *Dwelling, multifamily*: See "Dwelling, attached multifamily".
- (53) *Dwelling, attached multifamily*: A building for residential purposes with three (3) or more dwelling units, having common or party walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).
- (54) *Dwelling, single-family*: A site-built building for one (1) dwelling unit.
- (55) *Dwelling, two-family*: A building designed originally for residential occupancy by two (2) families living independently of each other, which contains two (2), legally complete, dwelling units. Each unit in a two-family dwelling is completely separated from the other by either; a) an unpierced wall extending from ground to roof; or, b) an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
- (56) *Dwelling unit*: One (1) or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one (1) or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.
- (57) *Erect*: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.
- (58) *Excavation*: The breaking of ground, except common household gardening, ground care and agricultural activity.

- (59) *Family*: One (1) or more human beings related by blood, marriage, adoption, foster care or guardianship together with incidental domestic servants and temporary, noncompensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.
- (60) *Fence*. A type of structural barrier usually made of posts supporting such items, by way of example, as chain link, wood pickets, lattice-work, and similar items.
- (61) *Finished floor area*: That portion of floor area constructed, completed and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, sanitary, or combination thereof. A floor area or portion thereof used only for storage purposes and not equipped with the facilities previously identified shall not be considered finished floor area.
- (62) *Floor area*: For one- and two-family dwelling units, the sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or the centerline(s) of party walls separating such buildings or portions thereof. The floor area of a building shall exclude all areas with a vertical height clearance less than seventy-eight (78) inches, exterior open balconies, and open porches.
- For attached or detached multifamily dwelling(s), the sum of all horizontal surface areas of all floors of all roofed portions of all buildings enclosed by and within the surrounding exterior walls or roofs, or the centerline(s) of party walls separating such buildings or portions thereof. However, this does not include the following:
- a. All areas with a vertical height clearance less than seventy-eight (78) inches;
  - b. All exterior open balconies, and open porches;
  - c. Floor or basement floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space;
  - d. Floor or basement floor area provided for recreational uses, available to occupants of two (2) or more living units within a project; or
  - e. Basement floor area provided for storage facilities, allocated to serve individual living units within a project.
- (63) *Floor area ratio (FAR)*: The aggregate floor area of all stories of all buildings within the project divided by the land area.
- (64) *Front lot line*: See "Lot line, front".
- (65) *Front yard*: See "Yard, front".
- (66) *Frontage*: The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.
- (67) *Frontage, public street*: The line of contact of abutting property with the public street along the front lot line which allows unobstructed direct access to the property.
- (68) *Full control of access*: The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, and by prohibiting both crossings at grade and direct driveway connections.
- (69) *Game court*: A type of recreation facility which consists of an unpaved or paved, accessory, surface area of ground open and essentially unobstructed to the sky, on the same lot as the primary structure, designed and intended for the playing of a recognized sport as an accessory, recreational activity by the occupants and guests of the primary structure, which may include fencing, screening, nets, goals, or other necessary appurtenances required for the recreational use.
- (70) *Garage, residential*: A building accessory to a residential use, or an enclosed area attached or integrated into a residential building, which is primarily designed and intended to be used for

the storage of the private vehicle(s) for the occupant(s) of said residence and is not a separate commercial enterprise available to the general public.

- (71) *Gazebo*: A roofed, ground-supported, unenclosed, accessory platform structure, usually constructed of wood, stone, brick, or metal designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.
- (72) *Grade, established street*: The crown elevation of a street pavement level abutting the property as fixed by the appropriate government agency(ies).
- (73) *Grade level (adjacent ground elevation)*: The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from said walls, between said walls and a line ten (10) feet away from and paralleling said walls.
- (74) *Gross acre*: A horizontal measure of land area equal to forty-three thousand five hundred sixty (43,560) square feet.
- (75) *Ground cover*: Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, or a similar feature.
- (76) *Ground floor*: That story which contains finished floor area closest to but not below grade level. In cases in which the only story with finished floor area is below grade level, that story with finished floor area closest to grade level shall be considered the ground floor.
- (77) *Group home*: A residential facility for the developmentally disabled (as defined by IC 12-7-2-166) or a residential facility for the mentally ill (as defined in IC 12-7-2-167), licensed by the Community Residential Facilities Council, or its successor in authority in accordance with a program described in:
  - a. IC 12-11-1-1 (residential facility for the developmentally disabled); or
  - b. IC 12-22-2-3(2) through 12-22-2-3(6) (residential facility for the mentally ill).
- (78) *Handicap ramp*: Same as "Pedestrian ramp".
- (79) *Hard-surfaced*: Quality of an outer area being solidly constructed of pavement, brick, paving stone, tile, wood, or a combination thereof.
- (80) *Hedge*: A row or rows of closely planted shrubs, bushes, or combination thereof creating a vegetative barrier.
- (81) *Height, building*: The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:
  - a. The elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than ten (10) feet above lowest grade; or
  - b. An elevation ten (10) feet higher than the lowest grade when said sidewalk or ground surface is more than ten (10) feet above the lowest grade.
- (82) *Heliport*: An area of land, water or structural surface which is used, or intended for use, for the lawful landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and auxiliary facilities, such as, parking areas, waiting rooms, fueling, storage and maintenance equipment areas.
- (83) *Helistop*: An area of land, water or structural surface which is used, or intended for use, for the landing and takeoff of helicopters, without the provision of fueling, repair, maintenance or storage facilities.

- (84) *Home occupation*: An occupation or business activity carried on within:
- a. A legally established dwelling unit, or;
  - b. An associated accessory structure (in those cases where the business activity is a legally established nonconforming occupation which occupies such associated accessory structure), by a resident of said dwelling, where the occupation or business activity is clearly incidental and subordinate to the residential use and does not alter the character thereof.
- (85) *Hospital*: An institution housed in a building, group of buildings or portion thereof, providing primary health services and psychological, medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities.
- (86) *Hotel*: Any building or group of buildings, containing guest rooms without direct access to the outside, designed or intended to be occupied for sleeping purposes by guests for a fee with general kitchen and dining room facilities provided within the building or an accessory building, and which caters to the travelling public.
- (87) *Interior access drive*: A minor, private or public street providing access within the boundaries of a project beginning at the required setback line. (See Diagram A [not included herein].)
- (88) *Interior access driveway*: Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels. (See Diagram A [not included herein].)
- (89) *Land area*: The total horizontal area within the project boundaries, plus the area of half of any abutting alley or street rights-of-way.
- (90) *Landscaping*: Any combination of sculpture, fountains, pools, and walkways with substantial living vegetation, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion, drainage and wind control.
- (91) *Legally established nonconforming building or structure*: Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.
- (92) *Legally established nonconforming use*: Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.
- (93) *Livability space*: The open space minus the vehicle area within the open space.
- (94) *Livability space ratio (LSR)*: The livability space divided by the floor area.
- (95) *Local street*: See "Street, local".
- (96) *Lot*: A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and occupied or intended for occupancy by a use permitted in the zoning ordinances for Marion County, Indiana, including one (1) or more main buildings, accessory uses thereto and the required yards as provided for the zoning ordinances of Marion County, Indiana and may consist of:
- a. A single lot of record; or
  - b. A portion of a lot of record; or
  - c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.



A lot may or may not coincide with a lot of record. For purpose of this definition, the ownership of a lot is further defined to include:

- a. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- b. A contract vendee;
- c. A long-term lessee (but only if the lease is recorded among the records of the County Recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit). (See Diagram C [not included herein].)

(97) *Lot area*: The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street or easement for surface access ingress or egress into the subject lot or adjoining lots.

(98) *Lot, corner*: A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. (See Diagram C [not included herein].)

(99) *Lot, through*: A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot. (See Diagram C [not included herein].)

(100) *Lot line*: The legal boundary of a lot as recorded in the Office of the Marion County Recorder.

(101) *Lot line, front*: The lot line(s) separating the lot from street rights-of-way; in the case of a corner lot, both lot lines separating the lot from the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line. (See Diagram B [not included herein].)

(102) *Lot line, rear*: A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length with the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.

(103) *Lot line, side*: Any lot line not designated as a front or rear lot line.

(104) *Lot of record*: A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Marion County, Indiana. A lot of record is not necessarily a piece, parcel, plot or tract designated or used for single ownership.

(105) *Main floor area*: The area of a horizontal plane fully bound by the exterior walls of the primary building or structure of the floor surface at or above grade level exclusive of vent shafts, decks, garages, uncovered or covered open space.

(106) *Major livability space*: The total area in a project provided for outdoor recreation, relaxation, amusement, pleasure and for similar use within the project, which area may or may not be improved; however, all livability space countable for purposes of computing the major livability space ratio shall be at least twenty (20) feet away from any ground floor residential wall containing one (1) or more windows and shall have a minimum linear dimension averaging eighty (80) feet, except that an area of lesser dimension is countable if:

- a. The total required major livability space is less than six thousand four hundred (6,400) square feet, or
- b. The shape or topography of the site alone prevents compliance with the minimum dimensions.

(107) *Major livability space ratio (MLSR)*: The total major livability space of countable size divided by the aggregate floor area.

(108) *Manufactured home*: See "Dwelling, manufactured home".

- (109) *Marginal access street*: See "Street, marginal access".
- (110) *Mini-barn*: A freestanding, completely enclosed, accessory building constructed of stone, brick, metal or wood designed with a rural character and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also "Shed".)
- (111) *Minor emergency repairs*: Those maintenance repairs necessitating immediate solution yet not posing an immediate life safety hazard, nor altering the existing character of the structure (See "Alteration").
- (112) *Mobile dwelling*: See "Dwelling, mobile".
- (113) *Mobile dwelling project*: See "Project, mobile dwelling".
- (114) *Modular home*: See "Dwelling, modular home".
- (115) *Motel*: Any building or group of buildings, containing guest rooms, with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building(s), designed or intended to be occupied for sleeping purposes by guests for a fee and where general kitchen and dining room facilities may be provided within the building or an accessory building, and which caters to the travelling public.
- (116) *Mulch*: A protective covering of vegetative substances placed around plants to prevent evaporation of moisture, freezing, and to control weeds.
- (117) *Multifamily dwelling*: See "Dwelling, multifamily".
- (118) *Off-street*: A location completely on private land, and completely off of public rights-of-way, alleys and any interior surface access easement for ingress and egress.
- (119) *Open porch*: An unenclosed structure, open to the sky, supported from the ground and attached to or a part of a building at the area of entrance or exit to said building facilitating access to said building from the ground.
- (120) *Open space*: The total horizontal area of all uncovered open space plus one-half ( 1/2) of the total horizontal area of all covered open space.
- (121) *Open space, covered*: All exterior space within the project, which is open and exposed to the weather, but not open above to the sky. It includes porches, carports, covered exterior balconies and exterior spaces covered by portions of buildings.
- (122) *Open space, uncovered*: In D-6, D-6II, D-7, D-8, D-9, D-10 and D-11 districts: the land area, minus the building area, plus the usable roof area. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-12 districts; and D-8 single- and two-family dwellings: the lot area, minus the building area.
- (123) *Open space ratio (OSR)*: The open space divided by the floor area.
- (124) *Parking area*: An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space. (See Diagram A [not included herein].)
- (125) *Parking space*: An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle. (See Diagram A [not included herein].)
- (126) *Part-time*: A period of at least twenty-five (25) percent less than a regular or customarily full schedule of a specific activity, such as employment.
- (127) *Partial control of access*: The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Partial control of access gives preference to through vehicular traffic movement to a degree that, in addition to access

connections with selected public streets, there may be crossings at grade and some driveway connections.

- (128) *Patio*: A hard-surfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one (1) side open to the weather and essentially unobstructed to the sky. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles. (See also "Deck.")
- (129) *Patio, covered*: A hard-surfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one (1) side open to the weather and permanently roofed or similarly covered. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles.
- (130) *Paved-stand*: A permanent area specifically designed and intended for the location, securing, and use of a mobile dwelling on a non-temporary basis encompassing completely the area immediately below or covered by such dwelling including necessary plumbing, power, and other utility installations. The mobile dwelling's foundation, consisting of runners, ribbons or piers, usually made of concrete for the purpose of blocking the dwelling, are within this area.
- (131) *Pavement*: A layer of concrete, asphalt or coated macadam used on street, sidewalk, or airport surfacing.
- (132) *Paving*: See "Pavement".
- (133) *Pedestrian ramp*: An inclined access opening along the curbline at which point pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, may enter or leave the street; or, an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, access from the ground to an elevated surface.
- (134) *Perimeter yard*: See "Yard, perimeter".
- (135) *Permitted use*: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- (136) *Plat*: An officially recorded map, as recorded in the Office of the Marion County Recorder, or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.
- (137) *Porch*: A roofed structure with at least one (1) side exposed to the weather, supported from the ground and attached to or part of a building at the area of entrance or exit to said building.
- (138) *Porte-cochere*: A roofed, sheltering structure supported from the ground and attached to or a part of a building, which projects over an entrance/exit, walkway, driveway, or similar feature.
- (139) *Primary building*: The building in which the permitted primary use of the lot is conducted.
- (140) *Principal homestead*: The dwelling unit in which the primary users of the agricultural enterprise reside.
- (141) *Project*: A lot or parcel of contiguous land to be developed for a use or uses permitted in the D-6, D-6II, D-7, D-8, D-9, D-10, D-11 dwelling districts, which at the time of development is under one (1) ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.
- (142) *Project boundaries*: The perimeter lot lines encompassing the entire project as indicated in the Office of the Marion County Recorder.
- (143) *Project, mobile dwelling*: An area of contiguous land separated only by a street(s) upon which three (3) or more mobile dwellings are designated spaces or lots for the purpose of being occupied as primary residences and includes all real and personal property used in the operation of said mobile dwelling project or, an area of contiguous land separated only by a street, that is subdivided and contains individual lots which are or intended to be sold, leased or similarly contracted for the purpose of being occupied as a primary residence, is a mobile

dwelling project if three (3) or more lots or sites are designated specifically to accommodate mobile dwellings.

- (144) *Public street frontage*: See "Frontage, public street".
- (145) *Rear yard*: See "Yard, rear".
- (146) *Recreation facility*: A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.
- (147) *Recreation facility, commercial*: A recreation facility operated as a for profit business and open to the public for a fee.
- (148) *Recreation facility, personal*: A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests without a fee.
- (149) *Recreation facility, private*: A recreation facility operated by a nonprofit organization, and open only to bona fide members and guests of such nonprofit organization.
- (150) *Recreation facility, public*: A recreation facility operated by a governmental agency and open to the general public.
- (151) *Recreational vehicle*: A ~~self-propelled or towed~~ vehicle, which may be motorized, non-motorized, self-propelled or towed, designed and intended specifically for non-commercial use, such as temporary living, travel, and leisure activities, including the trailer that may transport the vehicle. Examples include but not limited to boats, jet skis, race cars, all-terrain bikes, motor homes, travel trailers, and camping trailers.
- (152) *Religious use*: A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.
- (153) *Residential in character*: Possessing the architectural features, traits and qualities indicating or constituting those distinguishing attributes of a residence, such as height, bulk, materials, detailing and similar features.
- (154) *Right-of-way*: Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage of pedestrians, vehicles, or utilities, as officially recorded by the Office of the Marion County Recorder.
- (155) *Right-of-way, public*: Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.
- (156) *Right-of-way, private*: Specific and particularly described strip of privately held land devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.
- (157) *Setback*: The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line. (See Diagram B [not included herein].)
- (158) *Setback line*: A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line. (See Diagram B [not included herein].)
- (159) *Shed*: A freestanding, completely enclosed, accessory building, designed and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also "Mini-barn".)
- (160) *Shrub*: A woody plant of relatively low height branching from the base not exceeding ten (10) to twelve (12) feet in height.

- (161) *Side yard*: See "Yard, side".
- (162) *Sidewalk*: A hard-surfaced walk or raised path along and paralleling the side of the street for pedestrians.
- (163) *Single-family dwelling*: See "Dwelling, single-family".
- (164) *Skirting*: The rigid physical attachments to a mobile dwelling designed and intended to completely screen, shelter, and protect the unit's base and entire area between the unit's floor surface and the ground surface, which includes, but not limited to, all electrical and plumbing conduits, insulation material, and undercarriage.
- (165) *Site plan*: The development plan, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot as required by ordinance, in order that an informed decision can be made by the approving authority.
- (166) *Storage area*: An area designated, designed and intended for the purpose of reserving personal property for a future use and distinguished from areas used for the display of property intended to be sold or leased.
- (167) *Storage room*: An enclosed area integrated into and sharing common or party wall or walls within a primary building, while designed and intended for the purpose of reserving personal property for a future use.
- (168) *Story*: That part of a building, with an open height of no less than seventy-eight (78) inches, except a mezzanine, included between the upper surface of one (1) floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall constitute a story only if it provides finished floor area.
- (169) *Street, collector*: A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets, collectors, and arterials with direct access to abutting property(ies). (See Diagram D [not included herein].)
- (170) *Street, cul-de-sac*: A street having only one (1) open end and being permanently terminated by a vehicle turn around. (See Diagram D [not included herein].)
- (171) *Street, expressway*: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to carry and channelize high volumes of vehicular traffic movement at relatively high speeds (e.g., forty-five (45) mph) with partial control of access. The function of an expressway is primarily to move traffic rather than to serve abutting property(ies). Access control on an expressway is characterized by medians, marginal access streets and selective intersection location.
- (172) *Street, freeway*: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to carry and channelize high volumes of vehicular traffic movement at high speeds (e.g., fifty-five (55) mph) with full control of access. The primary function of a freeway is the movement of traffic, particularly long trips made within or through the county.
- (173) *Street, local*: A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies). (See Diagram D [not included herein].)
- (174) *Street, marginal access*: A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies). (See Diagram D [not included herein].)
- (175) *Street, parkway*: Any street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, with partial control of access thereto, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and thoroughfare plan. Partial control of access to a parkway permits access connections only at street intersections.

- (176) *Street, primary arterial*: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to expedite and channelize high volumes of vehicular traffic movement at moderate speeds (e.g., thirty-five (35) to forty-five (45) mph) between arterials, expressways, and freeways with partial control of access. The function of a primary arterial is primarily to move traffic rather than to serve abutting property(ies).
- (177) *Street, private*: A privately held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and similar features.
- (178) *Street, public*: A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.
- (179) *Street, secondary arterial*: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to expedite medium to high volumes of vehicular traffic movement at moderate speeds (e.g., thirty-five (35) to forty-five (45) mph) between collectors, arterials, expressways, freeways, and abutting property(ies) with partial control of access. Secondary arterials carry a higher percentage of short trips than do primary arterials.
- (180) *Structural barrier*: A physical structure, such as a fence, wall, or railing, that forms a boundary of, or enclosure to, a property or acts as a division between properties.
- (181) *Structure*: A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
- (182) *Subdivision*: The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development, provided however, that the division of land into parcels of more than three (3) acres, not involving any new streets or easements of access, and the transfer or exchange of parcels between adjoining landowners, if such transfer or exchange does not create additional building lots, shall not constitute a subdivision for purposes of this ordinance.
- (183) *Temporary use*: An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.
- (184) *Terrace*: An open, raised bank or banks of earth having vertical or sloping side(s) and a horizontal top.
- (185) *Thoroughfare*: A street primarily serving thorough vehicular traffic, including freeways, expressways, primary thoroughfares, and secondary thoroughfares as designated by the thoroughfare plan.
- (186) *Thoroughfare plan*: The applicable segment of the comprehensive or master plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, and all acts amendatory thereto, which sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary thoroughfares, secondary thoroughfares, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.
- (187) *Through lot*: See "Lot, through".
- (188) *Total car ratio (TCR)*: The total number of parking spaces divided by the number of dwelling units.
- (189) *Total floor area*: The aggregate floor area of all stories of the primary buildings or structures.

- (190) *Trash enclosure*: An accessory structure enclosed on all sides, possessing a solid, securable door or gate for access designed and intended to completely screen and protect waste receptacles from view on all sides, and to prevent waste debris from dispersal outside the receptacles or enclosure.
- (191) *Tree survey*: An inventory of all trees on a lot or project prior to any site development preparation, identifying species, location, caliper, and drip line of trees.
- (192) *Two-family dwelling*: See "Dwelling, two-family".
- (193) *Uncovered open space*: In D-6, D-6II, D-7, D-8, D-9, D-10, D-11 and D-12 districts: the land area, minus the building area, plus the usable roof area. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, and D-12 districts: the lot area, minus the building area.
- (194) *Underground storeroom*: An accessory structure which is at least seventy-five (75) percent subterranean, utilized for storage of personal property or a temporary shelter for people, such as a fallout shelter.
- (195) *Unit*: A single, complete entity.
- (196) *Usable roof area*: The total roof area, within the project or residential buildings, garages and accessory buildings which has been improved for outdoor uses of occupants. Roof areas used for the storage of automotive vehicles are included.
- (197) *Vehicle area*: Uncovered or covered area used for vehicular traffic, maneuvering and parking. Included are all parking areas, driveways, interior access drives and rights-of-way of all streets and alleys within the project, plus the area of half of any abutting alley or street rights-of-way.
- (198) *Walkway*: A hard-surfaced walk or raised path for pedestrians.
- (199) *Yard, front*: An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram B [not included herein].)
- (200) *Yard, interior*: An open space unobstructed to the sky, extending fully across the mobile dwelling site while situated between the edge of pavement of the street or interior access drive and a line paralleling thereto, which passes through the nearest point of any building or structure and terminates at the intersection of the individual mobile dwelling site's boundary lines.
- (201) *Yard, perimeter*: A required yard of a project, in addition to front, rear and side yards, situated between and extending along the project boundary and an interior line paralleling thereto. The width of said yard shall be determined by the applicable zoning district zoning classification of the ordinance. (See Diagram E [not included herein].)
- (201) *Yard, rear*: An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram B [not included herein].)
- (202) *Yard, side*: An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first. (See Diagram B [not included herein].)

SECTION 5. Section 731-219 of the "Revised Code of the Consolidated City and County," regarding accessory uses in the zoning ordinance for the dwelling districts, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 731-219. Accessory uses.**

- (a) Permitted accessory uses. The following accessory uses shall be permitted in all dwelling districts, except the D-11 dwelling district (see section 731-215(a)(5) for permitted accessory uses in this

district), subject to the accessory use requirements of section 731-219(b) and the dwelling district regulations of section 731-200:

- (1) Garages; carports; porches; decks; awnings; canopies; mini-barns; storage sheds; patios; outdoor fireplaces; porte-cocheres; bathhouses; cabanas; children's playhouses; swings and other play structures or equipment; greenhouses and other accessory buildings or structures similar and comparable in character to these permitted uses. (See additional requirements of this section.)
- (2) Off-street parking areas, as regulated in section 731-221(e).
- (3) Signs, as regulated by The Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
- (4) Private swimming pools, hot tubs and similar structures (see additional requirements of this section).
- (5) Amateur radio sending and receiving antennas, provided the height thereof (including masts) shall not exceed seventy-five (75) feet measured from finished lot grade at the base of the antennas and further provided that such antennas shall not be located in the front yard as established by the building line of the existing primary building.
- (6) Management office in multifamily districts and other facilities normally associated with tenants' convenience, such as clubhouses, recreational facilities, laundry facilities, maintenance facilities, provided, however, there is no exterior storage or display.
- (7) Underground storerooms either attached to other permitted structures or constructed separately. (See additional requirements of this section.)
- (8) Residential occupancy by domestic employees employed on the premises, provided that the occupancy occurs within the primary building and that no alteration is made to the unit to create a room or rooms not accessible from the interior.
- (9) Foster family care where care is provided for children unrelated to the residents by blood or adoption; provided that no sign shall be displayed, and that care is provided for no more than five (5) such children.
- (10) Child care home, as defined in section 731-102 and as regulated by IC 12-17.2 and rules adopted by the Division of Family and Children or the Fire Prevention and Building Safety Commission of the State of Indiana. For purposes of this chapter, a child care home shall not be considered a home occupation.
- (11) Storage or parking of recreational vehicles. (See additional requirements of this section.)
- (12) Game courts, including tennis courts and basketball courts. (See additional requirements of this section.)
- (13) Common recreation facilities, provided such facilities are dedicated to the public and accepted, owned by a homeowners' association, owned by the project owners, or are in similar type of control; and, provided that the facilities are either open to the public (if dedicated to the public and accepted) or to all the residents in the association or the project.
- (14) Satellite dish antennas. (See additional requirements of this section).

(b) *Accessory use development standards.* Accessory uses in all dwelling districts shall comply with the following requirements:

- (1) General accessory use requirements. Accessory uses:
  - a. Shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot.



- b. Shall be operated and maintained under the same ownership and on the same building lot as the primary use.
  - c. Shall be subordinate in area, bulk, extent, and purpose to the primary use of the building served. The height of an accessory building or structure shall be less than or equal to that of the primary structure. The total square footage of all accessory buildings on a building lot shall not exceed seventy-five (75) percent of the main floor area of the primary building, except that a detached garage, which is the only accessory building on the lot, may equal the maximum dimensions of twenty- four (24) by thirty (30) feet provided that the total square footage of the garage is less than or equal to the main floor area of the primary building.
  - d. Unless otherwise specified in this ordinance, detached accessory buildings:
    - 1. Shall not be located closer to any front or side lot line than the required minimum front and side yard setbacks of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater;
    - 2. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 dwelling districts shall not be located closer to any rear lot line than five (5) feet;
    - 3. Shall comply with the minimum side yard requirements of the district independently of the side yards established by the primary building.
    - 4. Shall not be permitted on a lot prior to the erection of the primary building.
  - e. Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.
  - f. Patios, decks, terraces having a horizontal area within eighteen (18) inches of grade level shall not require an Improvement Location Permit.
- (2) Appurtenances.
- a. Such appurtenant features as walks, drainage installations, mailboxes, lamp posts, bird baths, air conditioning units and structures of similar and comparable nature, shall be permitted on any lot.  
Provided, however, the front yard of any lot may contain only enough paving, gravel or similar material sufficient for reasonable access to and from the off-street parking area. The remaining front yard shall be landscaped in grass, shrubbery, trees or hedge, or in combination with other similar and suitable vegetative ground cover materials.
  - b. The growing of vegetables, grasses, fruits, flowers, shrubs, vines, and trees shall be permitted on any lot, provided such operations are not for profit. In the D-A dwelling district, the growing of such items may be for profit.
  - c. Structural barriers (including, by way of example, a chain link or solid fence, architectural screen, lattice-work or masonry wall), dense landscape plantings (including, by way of example, a continuous hedge of deciduous or evergreen shrubs), shrubs and trees shall be permitted in front, side and rear yards provided that:
    - 1. The height of any structural barrier shall not exceed six (6) feet.  
Provided, however:
      - i. Any structural barrier in the required front yard shall not exceed forty-two (42) inches in height. This provision (i), shall not apply:
        - (a) To corner lots in Development Area One, as noted in the Thoroughfare Plan for Marion County, Indiana and reproduced in section 731-102 as Diagram J.

For corner lots in Development Area One:

Fences up to six (6) feet in height may be permitted in any front yard which: 1. does not serve as the primary entrance (that which architecturally is designed as the main or "front door") for the dwelling; and, 2. does not face the primary entrance of a dwelling unit across the street.

Fences exceeding forty-two (42) inches in height shall not encroach beyond the building line established on the other street frontage.

- (b) To any D-6, D-6II, D-7, D-8 (multifamily only), D-9, and D-10 Districts where the linear street frontage of the project exceeds five hundred (500) feet.

For multifamily projects in the above Districts:

Fences or structural barriers up to six (6) feet in height may be permitted in any front yard which exceeds five hundred (500) linear feet of frontage. For sites which have frontage on two (2) streets, a fence or structural barrier may be up to six (6) feet in height only if the applicable street frontage exceeds five hundred (500) linear feet.

- ii. The measurement of fence height shall be taken from the ground level to the top of the fence, exclusive of fence posts (See section 731-102, Diagram G).
  - iii. Grade mounding, inconsistent with the ground level of the land surrounding the fence, which increases the elevation of the fence, will shall be included in the measurement of the fence height (See section 731-102, Diagram H).
  - iv. Fence posts may exceed the maximum height by one (1) foot (See section 731-102, Diagrams G, H, or I).
  - v. The fence itself may exceed the maximum height by an amount equal to the accompanying drop in topography along the linear run of the fence at that portion of the lot, and shall only exceed the maximum height at that location. In no case, however, shall the fence height exceed eight (8) feet (See section 731-102, Diagram I).
  - vi. Barbed wire, razor wire and similar type wires shall not be permitted in any residential district as a part of a structural barrier except in the D-A District, where it may be used only in conjunction with an agricultural enterprise.
  - vii. No structural barrier shall be electrified in any manner which could provide for an electrical shock if touched except in the D-A District, where it may be used only in conjunction with an agricultural enterprise.
- (3) Additional requirements for swimming pools, hot tubs and similar structures. The following additional requirements shall apply to swimming pools or hot tubs:
- a. A swimming pool or hot tub shall not be located in or on any front yard or closer to any side lot line than the required minimum side yard setbacks of the dwelling district or located closer to any rear lot line than five (5) feet.
  - b. ~~The pool or tub area shall be enclosed by either: 1. a fence or other structural barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self closing, self latching gate; or 2. a safety pool cover, as defined by, and meeting the specifications of, IAC 20-4-27(c). If a structural barrier is utilized, such structural barrier shall be a chain link, ornamental, or solid fence or wall, and:~~

~~1. If erected on grade, the fence shall be not less than five (5) feet in height; or,~~

~~2. If erected on the deck of an aboveground pool or hot tub, the fence or structural barrier on the deck shall be not less than thirty six (36) inches in height.~~

The pool or tub area shall be enclosed by either a: safety pool cover, as defined by, and meeting the specifications of 675 IAC 20-4-27(c); or fence or other structural barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching gate. Said fence or structural barrier shall be a chain link fence, ornamental fence, solid fence, solid wall, or combination thereof. The height of said fence or structural barrier shall be no less than: five (5) feet if fence or structural barrier is erected on grade; or, thirty-six (36) inches if fence or structural barrier is erected on the raised deck or top of the pool wall of an aboveground pool or hot tub.

In no instance, shall the combined height of fence or structural barrier and pool be higher than ten (10) feet.

~~e. Screening and landscaping shall be provided and maintained between the pool or hot tub and all lot lines from which the pool or tub area is visible according to the following requirements:~~

~~1. Screening shall include any combination of an earthen mound, solid hedge, wall or fence of ornamental block, stone, brick, or solid wood.~~

~~2. Effective screening height shall be at least five (5) feet, as measured from grade level, and so constructed or planted to prohibit any view therethrough; and,~~

~~3. If fencing is used for screening, such fencing shall be completely opaque when viewed within fifteen (15) degrees of perpendicular to the fence; and,~~

~~4. If an earthen mound is used for screening, such earthen mound shall not exceed a maximum height of three (3) feet above grade and the incline shall not exceed a three to one (3:1) ratio, with the exception of previously existing natural outcroppings.~~

~~cd. Abandoned or unused swimming pools or hot tubs, situated on premises which are not occupied for periods of thirty (30) days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.~~

~~de. No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code, and the National Electrical Code, current editions, and until an Improvement Location Permit has been obtained.~~

~~ef. All pools or hot tubs, which are less than eighteen (18) inches above grade level, shall not be considered as part of the building area, as defined in section 731-102.~~

(4) Additional requirements for underground storerooms. The following additional requirements shall apply to all underground storerooms:

a. An underground storeroom shall not be located in or on any front yard or closer to any side or rear lot line than the required minimum side and rear yard setbacks of the dwelling district.

b. No underground storeroom shall be erected or constructed until an Improvement Location Permit has been obtained.

(5) Additional requirements for recreational vehicles. The following additional requirements shall apply to the parking or storage of recreational vehicles:

- a. Recreational vehicles may be parked or stored inside permitted buildings or outside in such a manner that no part of any such vehicle shall project into any required side or rear yard as established by the ordinance. Provided further, no part of any such vehicle shall be parked or stored outside in the front yard of the lot other than on the hard-surfaced area of the driveway or interior access drive.
  - b. Not more than two (2) recreational vehicles shall be permitted to be parked or stored in the open on the same building lot at any one time.
  - c. Parked or stored recreational vehicles shall not be occupied or used for living, sleeping or housekeeping purposes in any dwelling district.
- (6) Additional requirements for game courts. The following additional requirements shall apply to game courts:
- a. Game courts shall not be located closer to any front, side or rear lot line than the required minimum front, side and rear yard setbacks of the dwelling district, nor shall any part of a game court project beyond the front building line as established by the existing primary building. Basketball goals, however, may be located along a driveway.
  - b. Game courts shall not be considered as building area, as defined in section 731-102.
  - c. No game court lighting shall produce glare creating a hazard or nuisance perceptible from any point beyond the lot line. Provided, however, no game court in a D-A, D-S, D-1, D-2, D-3, D-4, D-5 or D-5II dwelling district shall be lighted.
  - d. Fences built as a component of a regulation game court shall not be subject to the fence height limitations of section 731-219(b)(2)c. Fences which are components of game courts shall not exceed ten (10) feet in height.
- (7) Additional requirements for porches, patios, decks and canopies. The following additional requirements shall apply to porches, patios, decks and canopies:
- a. Porches, patios and decks, with the exception of attached open railings, shall not be constructed or erected higher than eighteen (18) inches above grade level at any point without having first obtained an Improvement Location Permit.
  - b. Porches and patios shall be located no closer than four (4) feet from any property line.
  - c. No permanent roof, canopy or similar permanent structure shall be built or established to extend over any porch, patio or deck, other than an eave or cornice overhang from the primary structure, unless the roof or canopy complies with the setback requirements of the dwelling district.
  - d. Porches, patios and decks eighteen (18) inches in height, or over, above grade level shall comply with all front and side yard setback requirements of the district and with the rear yard setback requirements for accessory buildings; except, however, open stairs and railings, attached to these structures may encroach into required yards.
- (8) Additional requirements for antennas.
- a. Statement of purpose. The regulations of this subsection are intended to allow antennas to be located in all dwelling districts in a manner that:
    - 1. Does not unreasonably delay or prevent the installation, maintenance or use of the antenna;
    - 2. Does not unreasonably increase the cost of installation, maintenance or use; or

3. Preclude reception of an acceptable quality signal.
- b. Objectives. The regulations of this subsection are intended to accomplish the following objectives:
  1. Health and safety: The regulations protect the public and safety to the degree that the improper installation of antennas can endanger the lives and property of persons on the property or surrounding property if they collapse or are felled by high winds or ice.
  2. General welfare/aesthetic: The regulations limit visual blight by sensitive placement of antennas, as the injudicious location of such antennas, including guy wires, poles, masts, cables and other appurtenant devices can create visual blight offensive to those who reside, work and travel in the city and contrary to the city's comprehensive plan. Further, these regulations are intended to meet these objectives without unnecessarily burdening the federal interests in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.
- c. Requirements. The requirements of this subsection shall apply to any antenna which is greater than one (1) meter/39.37 inches in diameter or diagonal measurement.
  1. Installations shall comply with all front, side and rear yard setback requirements specified within the district; except, however, no installation shall be located in such a manner that any part of any such antenna shall project into the front yard as established by the building line of the existing primary building.
  2. The maximum height for a ground-mounted antenna shall not exceed the maximum height of an accessory structure permitted by that district (see section 731-219(b)(1)).
  3. In any dwelling district, roof-mounted antennas may be permitted, subject to demonstration by the applicant that compliance with section 731-219(b)(8)c.a. and b. of this ordinance would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
  4. The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
  5. All applications for Structural Permits shall include certification by a registered engineer that the proposed installation complies with those standards listed in Section 623.0 and 624.0 of the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the building's support structure, shall be furnished.
  6. All roof-mounted installations shall be contained within the area of the roof.
- d. Limitation on enforcement. No requirement contained in this subsection, section 731-219(b)(8), shall be enforced to the extent it:
  1. Unreasonably delays or prevents installation, maintenance or use of an antenna; or
  2. Unreasonably increases the cost of installation, maintenance, or use of an antenna; or
  3. Precludes reception of an acceptable quality signal by an antenna.

(c) Nonpermitted accessory use activities. No accessory use which is not specifically permitted under section 731-219(a) shall be permitted as an accessory use in any dwelling district. In addition, the following activities are strictly prohibited in all dwelling districts:

- (1) Dismantling, repairing or restoring of ~~motor~~ vehicles in dwelling districts: No person shall dismantle, repair, restore or otherwise perform any work on any ~~motor~~ vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, on any property in a dwelling district. In addition, any work performed shall be:
  - a. Incidental to a permitted use; and,
  - b. Completely within a garage or carport; or,
  - c. Completely within an area wholly enclosed from the view of surrounding properties and rights-of-way by a solid structural barrier (either a wall or fence of ornamental block, brick, wood, or combination thereof) of six (6) feet in height.
- (2) Storing of inoperable ~~motor~~ vehicles in dwelling districts: no ~~motor inoperable vehicle; machine, motor, or similar device from which any part material to the operation of the vehicle has been removed, or which is inoperable for any reason,~~ shall be stored, maintained or kept on any property in a dwelling district unless such device is:
  - a. Owned or leased by the resident of the property on which it is stored or by a member of that person's family; and further is,
  - b. Completely within an accessory structure.
- (3) Storing of commercial motor vehicles in dwelling districts: No commercial motor vehicle or trailer shall be parked, stored, maintained or kept on any property in a dwelling district unless:
  - a. The vehicle has a maximum load capacity of three-quarters (3/4) of a ton or less; and
    1. Serves as the sole vehicular transportation of a resident of the property upon which it is parked, stored, maintained or kept; or
    2. Such vehicle is within a garage or carport which complies with all the standards and regulations of this ordinance.  
Commercial motor vehicles that are in the course of making normal and reasonable service calls are exempt from this provision.

SECTION 6. Section 732-217(b) of the "Revised Code of the Consolidated City and County," regarding the definition of an inoperable vehicle in the commercial zoning districts, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 732-217(b) Definitions.** *[Not all of the definitions from this section of the commercial zoning ordinance has been included, just the definition of Inoperable vehicle.]*

~~Inoperable vehicle. A motor vehicle from which there has been removed the engine, transmission or differential or that is otherwise partially dismantled or mechanically inoperable, or any motor vehicle which cannot be driven on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.~~

Inoperable vehicle means:

- (1) A motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle from which there has been removed engine, transmission or differential parts or that is otherwise partially dismantled or mechanically inoperable; or
- (2) Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, which cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.

SECTION 7. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and

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penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 8. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 9. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 274, 2005. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 274, 2005 on June 27, 2005. The proposal, sponsored by Councillor Mahern, amends the Code and the Flood Control District Zoning Ordinance to update the Flood Insurance Rate Maps used to determine what property is in the floodway or floodway fringe. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mahern moved, seconded by Councillor Gibson, for adoption. Proposal No. 274, 2005 was adopted on the following roll call vote; viz:

*26 YEAS: Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*

*0 NAYS:*

*2 NOT VOTING: Abdullallah, Franklin*

*1 ABSENT: Sanders*

Proposal No. 274, 2005 was retitled GENERAL ORDINANCE NO. 64, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 64, 2005

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 05-AO-03

A GENERAL ORDINANCE to the Code of Indianapolis and Marion County, as amended, the Zoning Ordinance for Marion County which ordinance includes the Flood Control District Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Flood Control District Zoning Ordinance of Marion County, Indiana, Section 735, Article III, of the Revised Code of the Consolidated City and County, (adopted under Metropolitan Development Commission Docket Numbers 70-AO-4, as amended), as amended, pursuant to IC 36-7-4, be further amended by the deletion of the language that is stricken-through and by the addition of the language which is underscored, to read as follows:

Sec. 735-300. Establishment of official zoning map; establishment of secondary flood control districts.

(a) Establishment of the official zoning map.

(1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.

(2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map.

(3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.

(4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of flood control districts. The following secondary flood control districts for Marion County, Indiana, are hereby classified, divided and zoned into such districts as designated on the official zoning map:

<u>Flood Control Zoning Districts</u>	<u>Zoning District Symbols</u>
Floodway (secondary)	FW
Floodway Fringe (secondary)	FF

(c) The district boundaries have been established from hydrological data delineated on flood insurance rate maps provided by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Marion County, Indiana, and Incorporated Areas," dated ~~January 5, 2001~~ July 5, 2005 (and as subsequently amended). Topographic-based floodplain maps which may be developed by the city and approved for use by FEMA may be used as best available data to supplement FEMA's flood insurance rate maps, in accordance with FEMA and IDNR procedures and regulations. These maps contain zone AE floodplain areas for which floodway district boundaries and base flood elevations are provided, zone AH floodplain areas for which base flood elevations are provided, zone AO floodplain areas for which base flood elevations are not provided, and zone A floodplain areas for which floodway district boundaries and base flood elevations are not provided. Each of the aforementioned maps also contain shaded zone X floodplain areas which depict areas subject to flooding in the headwaters of a stream, the five hundred-year frequency floodplain collar outside of the one-hundred-year frequency zone AE area, and land subject to shallow flood depths of less than one (1) foot. The district boundaries and base flood elevations for mapped areas shall be determined as follows:

(1) Zone AE: The floodway fringe (FF) zone district boundary is determined by applying the base flood elevations from the flood insurance study base profiles to the specific topography of a site/parcel/property. The floodway (FW) district boundary is determined from the flood insurance rate map. The base flood elevation shall be determined from the flood insurance study base flood profile, and is rounded up to the nearest one-half ( 1/2) foot elevation.

(2) Zone AH and zone AO: In zone AH floodplain areas, the base flood elevation shown on the flood insurance rate map shall be used. In zone AO areas, the base flood elevation shall be determined by adding the depth number specified in feet on the flood insurance rate map (two (2) feet, if no depth number is specified) to the highest ground elevation at the site.

(3) Zone A: Because this mapped area depicts only the approximate base flood boundary, the floodway (FW) district boundary, floodway fringe (FF) district boundary, and base flood elevation must be established through a site-specific engineering analysis using a method acceptable to DMD or a floodplain recommendation letter issued by IDNR containing specific reference to the site in question. It is the responsibility of the applicant applying for a floodplain development permit to provide the requisite engineering analysis to DMD or to obtain a floodplain recommendation letter from IDNR.

(4) Zone X: Zone X areas (shaded or unshaded) are not designated by FEMA as special flood hazard areas and are not regulated by this article.

(d) Detailed hydrological data may not be available on the aforementioned maps for certain portions of the floodway and floodway fringe districts. In such cases, an owner of land or applicant for a



floodplain development permit shall be required to request a determination of district boundaries and appropriate flood protection grade from the IDNR and the appropriate district regulations shall apply. In the event IDNR lacks sufficient data, DMD shall determine which type of flood control district the site is located in and the appropriate flood protection grade and limitations applicable to that district. If DMD lacks sufficient data to make this determination, the applicant for the floodplain development permit shall be required to submit a zoning district boundary determination completed by a registered professional engineer. The procedures by which specific determinations of district boundaries are to be made and incorporated into revisions of the flood insurance rate maps are set forth in section 735-301 of this article.

Sec. 735-301. Changes to district boundaries.

(a) Procedures to change the floodway and floodway fringe district boundaries, with or without an accompanying base flood elevation change, may be initiated in certain circumstances, including but not limited to: Determination of original mapping error; physical change to the landscape such as filling, excavating or grading; modification of a channel or bridge which changes the hydraulic or hydrologic characteristics of the watercourse; availability of better topographic base mapping which more accurately depicts the floodplain limits; and development of detailed hydrological data for previously unstudied zone A areas. In addition, an owner or lessee of property who believes his or her property has been wrongly designated in a particular flood control zoning district may apply for a district boundary change in accordance with this section.

(b) Changes to the floodway (FW) district boundary, floodway fringe (FF) district boundary, and the accompanying base flood elevations must be approved by FEMA through a letter of map revision (LOMR) or letter of map amendment (LOMA) in accordance with procedures established by FEMA, before the revised maps and data shall be used under this article. Detailed study data, developed for sites located in zone A areas pursuant to section 735-300 as best available data, will generally not be acknowledged by FEMA for flood insurance determinations or result in district boundary revisions unless an official LOMR or LOMA is issued by FEMA which specifies such changes.

(c) DMD shall review all LOMR and LOMA applications for completeness pursuant to FEMA regulations and procedures and verify that the subject project has satisfied the regulatory requirements of this article. Upon verification, DMD shall issue a signed community acknowledgement to the applicant as required by FEMA. If the LOMR or LOMA application is based on a channel improvement or other physical change to the floodplain which requires continual operation and maintenance as a condition of the issuance of the LOMR or LOMA by FEMA, DMD may require the applicant to enter into an agreement with DMD to provide such operation and maintenance.

(d) Any changes in the floodway district boundary must be reported to FEMA by the applicant within six (6) months of construction with a copy forwarded to DMD. DMD shall be responsible for maintaining up-to-date floodplain maps including any amending LOMRs and LOMAs and shall coordinate efforts with IDNR, FEMA and applicants to solve mapping conflicts using the best available hydrologic, hydraulic and topographic data.

(e) By reference the Metropolitan Development Commission and the city-county council must acknowledge all floodway (FW) and floodway fringe (FF) district boundary relocations and base flood elevation revisions approved by FEMA through the issuance of LOMR and LOMAs as changes to the official zoning map.

(f) All letters of map amendment (LOMA) and letters of map revisions (LOMR) approved and issued by the Federal Emergency Management Agency (FEMA) from September 2, 1992 until ~~January 5, 2004~~ July 5, 2005 shall be incorporated as map amendments to the applicable flood control districts boundaries (said letters [LOMA and LOMR] are incorporated by reference and made a part of this article).

Sec. 735-302. General regulations applicable to all districts.

The following regulations shall apply to all land within any flood control district:

~~(a)~~ (4) From and after October 4, 1971:

- a. No land, watercourse, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this article.
- b. No land, watercourse, building, structure, premises, use or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed, relocated, altered, improved, or repaired except in conformity with these regulations and for uses permitted by this article.

~~(b) (2)~~ No land alteration, watercourse alteration, open land use, legally established nonconforming use, or structure as defined in this article shall be constructed, erected, placed, converted, enlarged, extended, reconstructed, improved, repaired, restored, or relocated until a floodplain development permit is issued for the proposed activity as required by this article.

~~(c) (3)~~ Application for a floodplain development permit shall be made on a form provided by DMD. The application shall be accompanied by drawings of the site drawn to scale which depict the proposed activity in a manner adequate for DMD to determine compliance with this article. At a minimum, the site plan shall show: All existing and proposed structures; existing and proposed contours (if the proposed activity includes land alteration or watercourse alteration), the governing base flood elevation for the site (including the source of the base flood elevation value); and the proposed flood protection grade elevation (if the proposed activity requires a specified flood protection grade under this article).

Site plans for all platted subdivisions shall also include a delineation of the existing and proposed floodway and floodway fringe boundaries; a flood protection grade denoted for each building pad; and, for each lot located in a flood control district, a plan note identifying the flood control district in which it is located and the requirements and limitations imposed under this article for construction on the floodplain lot.

Plans for proposed activities requiring a specified flood protection grade under this article, which involve land or watercourse alterations, or involve floodproofing of a structure, shall be certified by a professional engineer, professional surveyor, or professional architect as defined by this article.

~~(d) (4)~~ An application fee shall be charged for the processing of a floodplain development permit application. A fee schedule shall be developed by DMD for categories of proposed activities sufficient to recover the cost of processing applications.

~~(e) (5)~~ A floodplain development permit shall not be issued for any proposed activity until all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

~~(f) (6)~~ DMD shall require that an NFIP elevation certificate be completed by a professional engineer, professional architect or professional surveyor for each new structure, substantial addition, substantial improvement, or restoration of substantial damage located in a flood control district, as required by FEMA. DMD shall supply each applicant for a floodplain development permit with a blank NFIP elevation certificate during the DMD's floodplain development permit review approval process. The applicant shall have a professional engineer, professional architect or professional surveyor complete the NFIP elevation certificate, showing the as-built flood protection grade and lowest adjacent grade to the structure, and other information required in the form. The applicant shall deliver a signed and completed NFIP elevation certificate to DMD within ten (10) calendar days after completion of construction of the lowest floor grade, and before DMD completes the final site inspection.

DMD shall require that a floodproofing certificate, if required by section 735-~~302(2)~~304(b)(1), be completed by a professional engineer or professional architect for each new structure, substantial addition, substantial improvement or restoration of substantial damage located in a flood control district, as required by FEMA. DMD shall supply each applicant for a floodplain development permit with a blank floodproofing certificate during the DMD's floodplain development permit review approval process. The applicant shall have a professional engineer or architect complete the floodproofing certificate showing the as-built flood protection grade as provided by the floodproofing measures constructed, and other required information on the form. The applicant shall deliver a signed and completed floodproofing certificate to DMD within ten (10) calendar days after completion of construction of the structural floodproofing and before DMD completes the final site inspection. DMD shall not perform the final inspection of construction involving a new building or addition to a building requiring an elevation certificate or floodproofing certificate until it has received notification that a properly completed elevation certificate or floodproofing certificate has been submitted to DMD. Failure to submit a properly completed elevation certificate, or floodproofing certificate if applicable, shall result in the issuance of a stop work order on the project by DMD, revocation of the floodplain development permit by DMD, or both.

~~(g) (7)~~ DMD shall make all determinations and obtain all data in accordance with FEMA standards at 44 CFR 60.3. The permit applicant is responsible for supplying data to DMD that is required by FEMA.

~~(h) (8)~~ The Metropolitan Development Commission hereby delegates authority to DMD and DPW to perform all functions relating to the review of applications for issuance of floodplain development permits, in accordance with this article.

(i) ~~(9)~~ All new construction and substantial improvements shall:

- a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Be constructed with materials resistant to flood damage;
- c. Be constructed by methods and practices that minimize flood damages; and
- d. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(j) ~~(40)~~ A floodplain development permit shall not be issued for proposed activity in zone A or zone AH or zone AO until the floodway and floodway fringe district boundaries and base flood elevation are established in accordance with section 735-300(b).

(k) ~~(41)~~ The approval of a floodplain development plan by the permit division under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the floodplain development permit for which the plan was submitted was issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved floodplain development plan or circumstances which cause the floodplain development plan to be inaccurate or incomplete, then a new or corrected floodplain development plan shall be submitted to the department as a precondition for obtaining a floodplain development permit.

(l) ~~(42)~~

(1) ~~a.~~ A floodplain development permit may be transferred with the approval of the division of compliance to a person, partnership or corporation which would be eligible to obtain such floodplain development permit in the first instance (hereinafter called "transferee"), after both the payment of a fee specified in the rules and procedures of the Metropolitan Development Commission and the execution and filing of a form furnished by the division of compliance. Such transfer form shall contain, in substance, the following certifications, release and agreement:

a. ~~1.~~ The person who obtained the original floodplain development permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:

1. ~~i.~~ Certify under penalties for perjury that such person is familiar with construction activity accomplished pursuant to the floodplain development permit; such person is familiar with the floodplain development standards and procedures applicable to the construction activity; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all floodplain development standards and procedures; and,

2. ~~ii.~~ Sign a statement releasing all rights and privileges secured under the floodplain development permit to the transferee.

b. ~~2.~~ The transferee shall:

1. ~~i.~~ Certify that the transferee is familiar with the information contained in the original floodplain development permit application, the detailed plans and specifications, the plot plan and any other documents filed in support of the application for the original floodplain development permit;

2. ~~ii.~~ Certify that the transferee is familiar with the present condition of the premises on which construction activity is to be accomplished pursuant to the floodplain development permit; and,

3. ~~iii.~~ Agree to adopt and be bound by the information contained in the original application for the floodplain development permit, the detailed plans and specifications, the plot plan and other documents supporting the original floodplain development permit application; or in the alternative,

agree to be bound by such application plans and documents modified by plan amendments submitted to the division of compliance for approval.

~~(2) b-~~ The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor and shall be subject to any written orders issued by DMD.

~~(3) e-~~ A permit or design approval may not be transferred from the specified location to another location.

~~(m) (43)~~ Expiration of floodplain development permits by operation of law.

~~(1) a-~~ If construction activity, other than activity involving the removal of all or part of a structure, has not been commenced within one hundred eighty (180) days from the date of issuance of the floodplain development permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, DMD may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances, but in no event shall the continuance exceed a period of sixty (60) days. Such extension shall be confirmed in writing.

~~(2) b-~~ If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, DMD may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow re-initiation of construction activity.

Sec. 735-303. FW Floodway District regulations (secondary).

The following regulations, in addition to those in section 735-302, shall apply to all land within the floodway district. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

The purpose of the floodway district is to guide development in areas identified as a floodway. IDNR, under the authority of the INRC, exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1; however, the city may impose terms and conditions on any floodplain development permit it issues in a floodway district which are more restrictive than those imposed by IDNR regulations.

(a) Permitted uses. The following uses shall be permitted in the floodway district subject to the development standards of section 735-303(b):

- (1) Open land uses.
- (2) Land alterations and watercourse alterations.
- (3) Nonbuilding structures.
- (4) Detached residential accessory structures.
- (5) Improvements, additions, and restoration of damage to legally established nonconforming uses.

(b) Development standards.

(1) Open land use. An open land use as defined in this article shall be allowed without a floodplain development permit provided that the open land use does not constitute or involve any structure, obstruction, deposit, construction, excavation, or filling in a floodway in accordance with IDNR regulations. Otherwise, proposed open land uses shall require a floodplain development permit in accordance with this subsection.

(2) Land and watercourse alterations. Land alterations and watercourse alterations as defined in this article shall not result in any new or additional public or private expense for flood protection; shall assure that the flood carrying capacity is maintained and shall not increase flood elevations, velocities, or erosion upstream, downstream or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment.

In addition, no floodplain development permit shall be issued for land alterations or watercourse alterations in a floodway unless a certificate of approval for construction in a floodway is first issued by IDNR for the proposed activity, if required pursuant to IC 14-28-1.

(3) Nonbuilding structures. Nonbuilding structures as defined in this article shall be permitted in a floodway only under the following conditions:

- a. The nonbuilding structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the base flood;
- b. The nonbuilding structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the base flood;
- c. The nonbuilding structure is designed to minimize potential contamination or infiltration of floodwaters or other potential environmental health or safety hazards associated with flooding up to and including the base flood;
- d. The nonbuilding structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section area perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities;
- e. The IDNR has first issued a certificate of approval of construction in a floodway, if applicable pursuant of IC 14-28-1; and
- f. The nonbuilding structure must meet the applicable flood protection grade required by IDNR and FEMA rules.

(4) Detached residential accessory structures, the total square footage being equal to or less than four hundred (400) square feet, may be erected in a floodway with or without a flood protection grade two (2) feet above the base flood elevation only if the following conditions are met.

- a. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
- b. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
- c. The detached structure is no larger than seventy-five (75) percent of the size of the existing primary residential structure;
- d. The detached structure shall never be used in total, or in part, for habitable space;
- e. Any electrical wiring and any heating, cooling or other major appliance in the detached structure is located above the base flood elevation and the detached structure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water;
- f. The IDNR has first issued a certificate of approval of construction in a floodway; and
- g. As a condition to allowing construction of a detached residential accessory structure, DMD may first require the owner to record a statement, in a form approved by DMD, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

(5) Legally established nonconforming uses in a floodway (FW) district. Nothing stated in this subsection shall prevent ordinary maintenance or repair of legally established nonconforming uses as defined in this article. The cost of ordinary maintenance and repair of building or

structures is not counted toward the fifty (50) percent limit for determining substantial improvement, restoration of substantial damage or substantial addition as defined herein.

a. Restoration of damage.

1. Nonsubstantial damage: A legally established nonconforming use which has been damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimension and condition provided that the damage is nonsubstantial damage as defined in this article and a certificate of approval of construction in a floodway, if required in accordance with IDNR rules, is first obtained from IDNR.

2. Substantial damage: A legally established nonconforming use which is substantially damaged as defined in this article may only be restored if the following conditions are satisfied:

i. The legally established nonconforming use is not a primary residential structure;

ii. If required, the applicant for the proposed restored use must first obtain a certificate of approval for construction in a floodway from IDNR;

iii. A restored structure must be provided with a flood protection grade at or above the base flood elevation;

iv. The design of the foundation of a restored structure must be certified by a professional engineer or professional architect registered in the state of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and constructed with a material that will maintain its structural integrity during and after exposure to floodwaters;

v. If the damage to a structure is such that the structure including the foundation is destroyed, the structure must be rebuilt upon the same area of the original foundation and have substantially the same configuration as the destroyed structure, unless the rebuilt structure is proposed to be placed on a site less vulnerable to flood hazards as determined by DMD;

vi. The restored or rebuilt structure does not restrict or obstruct the floodway more than the damaged structure; and

vii. The damage was not intentionally caused by the owner or occupant;

viii. The restoration of the structure is begun within one (1) year and completed within two (2) years following the date that the damage occurred.

b. Improvements.

1. Nonsubstantial improvements: A legally established nonconforming use in a floodway (FW) district may undergo a one-time only nonsubstantial improvement. Subsequent improvements shall be subject to the requirements and limitations of this article applicable to substantial improvements.

2. Substantial improvements: A substantial improvement to a legally established nonconforming use in a floodway (FW) district is prohibited.

c. Additions.

1. Nonsubstantial additions: A legally established nonconforming use in a floodway (FW) district may undergo a one-time only nonsubstantial addition provided that:

i. The applicant has provided development plans and any other supporting data, as required by DMD, certifying that the proposed addition will not cause any increase in the base flood elevation; and

ii. A covenant indicating that "a one-time non-substantial addition to the structure has taken place and that no further additions will be allowed" shall be recorded in the office of the recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

Subsequent additions shall be subject to the requirements and limitations of this article applicable to substantial additions.

2. Substantial addition: A substantial addition to a legally established nonconforming use in a floodway (FW) district is prohibited.

(6) Prohibition of garbage, trash, junk in floodway (FW) district. No use shall involve the storage, accumulation, spreading, dismantling or processing of garbage, trash, junk, or any other similar discarded or waster material.

Sec. 735-304. Floodway Fringe (FF) District regulations (secondary).

The following regulations, in addition to those in section 735-302, shall apply to all land within the floodway fringe district. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

The purpose of the floodway fringe district is to guide development in areas subject to potential flood damage, but outside a floodway district.

(a) Permitted uses. All uses permitted in the applicable primary zoning district shall be permitted in the floodway fringe district, subject to the requirements of this section.

(b) Development standards.

(1) General. Except as provided in this subsection and subsections (2), (3), (5), (6) and (8) below, no building shall be erected, reconstructed, expanded, structurally altered, converted, used, relocated, restored, or improved unless it is provided with a flood protection grade of at least two (2) feet above the base flood elevation. This flood protection grade may be achieved for nonresidential structures by structural floodproofing. The design and construction shall be certified on a floodproofing certificate by a professional engineer or professional architect registered in the state of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

For floodplain development at sites which are elevated with fill, lowest floor levels, including basement floors, shall be provided with a flood protection grade of at least two (2) feet above the base flood elevation. Non-living spaces, such as crawl spaces that are below grade on all sides, shall be provided with a lowest floor level at least equal to the base flood elevation. The flood protection grade as well as all other requirements of this article shall not be applicable to property which has been removed from a flood control district through the issuance of a final LOMR or LOMA by FEMA.

Floodway fringe fill on which a building is to be placed shall be compacted to ninety-five (95) percent of maximum density using the Standard Proctor Test method. The surface of the fill shall extend at least ten (10) feet horizontally from the perimeter of the building before sloping below the base flood elevation. This is a minimum distance which may need to be increased by the designer based on-site conditions. Fill slopes shall be adequately protected from erosion using a method approved by DMD.

(2) Open land use. Any open land use as defined in this article shall be allowed in a floodway fringe district without a floodplain development permit.

(3) Land and watercourse alterations. Land alterations and watercourse alterations in a floodway fringe district shall not result in any new or additional public or private expense for flood protection; shall not increase flood elevations or reduce flood carrying capacity; shall not increase velocities or erosion upstream, downstream, or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment.

(4) Nonbuilding structures. Nonbuilding structures as defined in this article shall be allowed in a floodway fringe district only if constructed in a manner that will not impede the flow of floodwater and debris carried by floodwater, and the following conditions are met:

- a. The nonbuilding structure is designed, located and constructed such that it is protected from potential damage resulting from flooding up to and including the base flood;
- b. The nonbuilding structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the base flood;
- c. The nonbuilding structure is designed to minimize potential contamination or infiltration of floodwaters or other potential environmental or safety hazards associated with flooding up to and including the base flood;
- d. The nonbuilding structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities.
- e. The nonbuilding structure must meet the applicable flood protection grade required by IDNR and FEMA rules.

(5) Detached residential accessory structures. Detached residential accessory structures larger than four hundred (400) square feet in a floodway fringe district must be provided with a flood protection grade of at least two (2) feet above the base flood elevation. Detached residential accessory structures, the total square footage being equal to or smaller than four hundred (400) square feet may be erected in a floodway fringe district above or below the flood protection grade only if the following conditions are met:

- a. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
- b. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
- c. The detached structure is no larger than seventy-five (75) percent of the size of the existing primary residential structure;
- d. The detached structure shall never be used in total, or in part, for habitable space;
- e. Any electrical wiring and any heating, cooling or other major appliance in the detached structure is located above the base flood elevation and the detached structure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water; and
- f. As a condition to allowing a detached residential accessory structure, the DMD may require the owner to record a statement, in a form approved by DMD, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.



(6) Attached nonhabitable residential accessory enclosures. Attached nonhabitable accessory enclosures may be constructed in a floodway fringe district as a part of one-family, two-family, or multifamily structures only under the following conditions:

- a. All parts of the building or structure other than the attached nonhabitable accessory enclosure shall be erected, constructed, reconstructed, expanded, structurally altered, converted, used or relocated in compliance with this subsection 735-304(b);
- b. The attached nonhabitable accessory enclosure is attached to or part of the primary residential structure and is operated and maintained under the same ownership;
- c. The attached nonhabitable accessory enclosure is customarily incidental, accessory and subordinate to, and commonly associated with the use of the primary residential structure;
- d. The attached nonhabitable accessory enclosure is not used in total or in part as habitable space, but is solely for parking vehicles, building access or storage of materials not covered under standard flood insurance policy;
- e. As a condition to allowing an attached nonhabitable accessory enclosure, the DMD shall require the owner to record a statement, in a form approved by DMD, indicating that the attached nonhabitable accessory enclosure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the Office of the Recorder, Marion County, Indiana, with the deed and shall be binding on all subsequent owners;
- f. Any electrical wiring and any heating, cooling or other major appliance or equipment in the attached nonhabitable accessory enclosure is located above the base flood elevation and the attached nonhabitable accessory enclosure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water; and
- g. The exterior walls of the attached nonhabitable accessory enclosure shall be constructed with a material which will maintain its structural integrity during and after exposure to floodwaters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
  1. A minimum of two (2) wall openings having a total net area of not less than one (1) square ~~inch~~ ~~foot~~ for every ~~one (1) two (2)~~ square ~~foot~~ ~~feet~~ of enclosed area subject to flooding shall be provided;
  2. The bottoms of all openings shall be no higher than one (1) foot above the flood level of the enclosure or no greater than one (1) foot above grade, whichever is less; and
  3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without reliance on human or electrical activation; and
- h. Attached nonhabitable accessory enclosures that are also legally established nonconforming uses pursuant to subsection 735-304(b)(8) shall not be subject to the requirements of subsection 735-304(b)(6).

(7) Manufactured home dwellings, mobile dwellings and recreational vehicles.

- a. Manufactured home dwellings and mobile dwellings that are placed or undergo substantial improvements or substantial additions on sites outside of a mobile dwelling project, in a new mobile dwelling project or subdivision, in an expansion to an existing mobile dwelling project or subdivision, or in an existing mobile dwelling project or subdivision on which a manufactured home dwelling or mobile dwelling has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home

dwelling or mobile dwelling is elevated with a flood protection grade at least two (2) feet above the base flood and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

b. Manufactured home dwellings and mobile dwellings that are placed or undergo substantial improvements or substantial additions on sites in an existing mobile dwelling project or subdivision on which a manufactured home dwelling or mobile dwelling has not incurred substantial damage as the result of a flood, shall be elevated so that either the lowest floor of the manufactured home dwelling or mobile dwelling is elevated with a flood protection grade at least two (2) feet above the base flood or the manufactured home dwelling or mobile dwelling chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to a foundation system to resist flotation, collapse and lateral movement.

c. Recreational vehicles placed on sites in the floodway fringe for one hundred eighty (180) consecutive days or more shall be subject to the requirements for manufactured home dwellings and mobile dwellings contained in this article. Recreational vehicles placed on sites in the floodway fringe shall not be subject to requirements for manufactured home dwellings and mobile dwellings contained in this article and shall not require a floodplain development permit if the recreational vehicle is either placed on the site for fewer than one hundred eighty (180) consecutive days or is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(8) Legally established nonconforming uses. Nothing stated in this subsection shall prevent ordinary maintenance or repair of legally established nonconforming uses as defined in this article. The cost of ordinary maintenance and repair of buildings or structures is not counted toward the fifty (50) percent limit for determining a substantial improvement, restoration of substantial damage or substantial addition as defined herein.

Improvements, additions and restoration of damage to legally established nonconforming uses authorized under this subsection shall not be subject to subsection 735-304(b)(6) of this section.

a. Restoration of damage.

1. Nonsubstantial damage: A legally established nonconforming use in a floodway fringe district damaged by flood, fire, explosion, act of God or the public enemy may be restored to its original dimensions and condition provided that the damage is a nonsubstantial damage as defined by this article.

2. Substantial damage: A legally established nonconforming use that is substantially damaged may only be restored if the restored structure is provided with a flood protection grade of at least two (2) feet above the base flood elevation.

b. Improvements.

1. Nonsubstantial improvements: A legally established nonconforming use in a floodway fringe district may undergo a one-time only nonsubstantial improvement. Subsequent improvements shall be subject to the requirements and limitations of this article applicable to substantial improvements.

2. Substantial improvements: A legally established nonconforming use may undergo a substantial addition if the addition is provided with a flood protection grade of at least two (2) feet above the base flood.

c. Additions.

1. Nonsubstantial addition: A legally established nonconforming use in a floodway fringe district may undergo a one-time only nonsubstantial addition provided that a covenant indicating that "a one-time non-substantial addition to the structure has taken place and that any subsequent improvements or additions shall be subject to the requirements and limitations of this article applicable to substantial additions" shall be recorded in the office of the recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

2. Substantial addition: A legally established nonconforming use may only undergo a substantial addition if the addition is provided with a flood protection grade of at least two (2) feet above the base flood elevation.

(9) Draining of land; altering of watercourses; construction of ponds, lakes, levee, dams. No draining or reclamation of land; altering, widening, deepening or filling of watercourses or drainage channels or ways; construction of ponds, lakes, levees, or dams; or any other changes or improvements of watercourses or drainage channels or ways shall be undertaken in the floodway fringe district unless first approved by the IDNR, if applicable, and any other local, state or federal agencies having jurisdiction over such activity.

(10) Construction of new access roads. If the proposed activity includes the construction of a new access road between proposed buildings to be located in the floodway fringe district and a public road, and the public road at the intersection with the proposed access road is at or above the base flood elevation, then the proposed access road must also be at or above the base flood elevation along the entire length between any proposed building and the public road. If there is more than one (1) access road between the public road and any proposed building, only one (1) must provide access at or above the base flood elevation.

Sec. 735-305. Variances.

(a) The Board of Zoning Appeals may only issue a variance to the permitted uses or development standards of the floodway (FW) or floodway fringe (FF) districts if the applicant submits evidence that:

- (1) There exists a good and sufficient cause for the requested variance;
- (2) The strict application of the terms of this article will constitute an exceptional hardship to the applicant;
- (3) The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with other applicable law or ordinances.

(b) The Board of Zoning Appeals may only issue a variance to the permitted uses of development standards of the floodway (FW) or floodway fringe (FF) districts subject to the following conditions:

- (1) No variance for the construction of a new residential structure in a floodway (FW) district may be granted;
- (2) Any variance granted for a use in a floodway (FW) district shall first require a permit from IDNR, if such permit is required by IDNR rules and procedures;
- (3) Variances to the flood protection grade requirements may be granted only when a new structure is to be located on a lot of one-half (1/2) acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation;
- (4) Variances may be granted for the reconstruction or restoration of any structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects, subject to the condition that such variance will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character;

(5) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

(6) DMD shall issue a written notice to the recipient of a variance that the proposed construction will be subject to increased risks of life and property and could require payment of increased flood insurance premiums.

Sec. 735-306. Permit application and review procedures; record-keeping.

(a) DMD shall review all applications for a floodplain development permit for all sites which have been identified by DMD as lying in a flood control district. DMD shall verify that the site is in a flood control district by referring to the flood insurance rate map. In cases where the floodplain status of the site cannot be fully determined through the use of these maps, DMD shall use the best available data to determine the floodplain status of the site, in accordance with section 735-300 of this article.

(b) If the permit application is for a site located in an identified floodway (FW) district, then DMD shall direct the applicant to apply to IDNR for a state permit for construction in a floodway. A floodplain development permit shall not be issued for the proposed activity until the IDNR has issued a certificate of approval of construction in a floodway or a letter stating that IDNR approval is not required, and DMD determines that the application complies with all other applicable requirements of this article.

(c) If the permit application is for a site located in a floodway fringe (FF) district, then DMD may approve the application upon compliance with the applicable requirements of this article.

(d) In both floodway (FW) and floodway fringe (FF) districts, DMD will require such modifications to the design and materials of the proposed activity, as DMD may deem appropriate under this article.

(e) In reviewing applications for floodplain development permits for compliance with the requirements of this article, DMD, in conjunction with DPW, shall assure that all necessary permits related to floodplain management objectives from state, federal, and local agencies have been obtained.

(f) Records of floodplain development permits.

(1) DMD will maintain a file of all floodplain development permits issued in a flood control district.

(2) DMD will make these floodplain development permits available to representatives of FEMA, IDNR and other interested parties.

(g) NFIP elevation certificates.

(1) DMD will file the NFIP elevation certificate, and the floodproofing certificate if applicable, for each building and structure in a flood control district with the floodplain development permit.

(2) DMD will make available to insurance agents and lenders, upon request, copies of the NFIP elevation certificate and the floodproofing certificate to assist in the actuarial rating of the structure for flood insurance purposes.

(h) The applicant shall notify an adjacent community and IDNR prior to any alteration or relocation of a watercourse in a riverine situation and submit copies of such notification to DMD and FEMA.

Sec. 735-307. National flood insurance program regulation.

DMD, during the review of floodplain development permit applications located in identified flood control districts, shall ensure that all national flood insurance program regulations (codified at 44 CFR, Part 60.3) pertaining to state and federal permits, subdivision review, building permit review, floodproofing nonresidential structures, mobile home tie-down standards, utility construction, recordkeeping (including lowest floor elevations), and watercourse alteration and maintenance have been met.

Sec. 735-308. Severability.

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this article shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this article as a whole or any part thereof,

other than the section, subsection, paragraph, subparagraph, clause, phrase, provision or portion so held to be unconstitutional or invalid.

Sec. 735-309. Violations.

(a) Construction or development authorized by the floodplain development permit shall proceed according to the requirements of this article, the development plan and supporting documents filed with said permit application, and the conditions of an applicable variance grant to the requirements of this article. If DMD determines that construction or development is proceeding or has proceeded in violation of this article, the development plan or supporting documents, or variance grant, or that the permit was issued in violation of an ordinance or the conditions of such variance grant, DMD may revoke said permit. Written notice of the revocation shall be provided to the permit applicant.

(b) A violation of this article shall be enforceable under Chapter 730, Article V of this Code.

(c) A violation may lead to the cancellation of a standard flood insurance policy. DMD shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by the standard flood insurance policy to be suspended.

Sec. 735-309.5. Effective date.

This article shall be in full force and effect on July 5, 2005 ~~January 5, 2004~~ after its adoption in compliance with I.C. 37-7-4.

Sec. 735-310. Construction of language and definitions.

(a) Construction of language. The language of this article shall be interpreted in accordance with the following regulations:

(1) The particular shall control the general.

(2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram the text shall control.

(3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(5) A "building" or "structure" includes any part thereof.

(6) The phrase "used for", includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

(7) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either/or", the conjunction shall be interpreted as follows:

a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. "Either ... or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) Definitions. The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

(1) As-built condition. The state of being of a structure or building immediately following its construction or placement.

(2) Attached nonhabitable accessory enclosure. An enclosed area of a structure below the elevated first floor used solely for parking vehicles, building access or storage which satisfies all requirements for such a structure as set forth in this article.

(3) Base flood. That flood having a peak discharge which can be expected to be equalled or exceeded on the average of once in a hundred-year period, as calculated by a method and procedure which is acceptable to and approved by the IDNR. This flood is equivalent to a flood having a probability of occurrence of one (1) percent in any given year.

(4) Base flood elevation. The site-specific elevation of the water surface of the base flood measured in feet above mean sea level (1929 NGVD or NAVD 1988). In either case, a conversion number shall be included.

(5) Best available data. Information including but not limited to available topographic mapping, survey data, historic flood records, engineering studies, channel ratings, and engineering judgment, used by DMD to make flood control district determinations pursuant to section 735-300 of this article, when detailed floodplain data are not available for a particular site.

(6) Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.

(7) Construction activity. The conduct of land alterations, watercourse alterations, erection, construction, placement, repair, alteration, conversion, maintenance, moving, or remodeling of any new or existing building or structure or any part thereof, or the construction, installation, extension, repair, alteration, conversion, removal or maintenance of building or structure equipment.

(8) Cost. The actual value of the work to be performed based on a method approved by FEMA.

(9) Detached residential accessory structure. A detached nonhabitable structure which is subordinate to and located no less than six (6) feet from the primary residential structure and which satisfies all local regulations regarding this classification.

(10) Development. Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

~~(11) DCAM. The Department of Capital Asset Management of the City of Indianapolis.~~

(11) DMD. The Department of Metropolitan Development of the City of Indianapolis.

(12) DPW. The Department of Public Works of the City of Indianapolis.

(13) Elevation certificate. The most recently published official elevation certificate document issued by FEMA.

(14) Existing mobile dwelling project or subdivision. A mobile dwelling project or subdivision for which the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including, at a minimum, the installation of utilities, construction of streets and either final site grading or pouring of concrete pads) is completed before ~~the effective date of this article~~ May 15, 1984.

(15) Expansion to an existing mobile dwelling project or subdivision. The preparation of additional sites for an existing mobile dwelling project or subdivision by the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(16) FDP. Floodplain development permit.

(17) FEMA. Federal Emergency Management Agency.

(18) Fifty (50) percent limit. The maximum amount of work allowed in or on a legally established nonconforming use before the work is not eligible for the special allowances

provided for restoration of nonsubstantial damage, nonsubstantial improvements and nonsubstantial additions as provided herein. The proposed work shown on an application for a floodplain development permit in or on a legally established nonconforming use shall be evaluated to determine whether the fifty (50) percent limit has been exceeded by taking the ratio of the projected cost of the work divided by the market value before the start of construction of the legally established nonconforming use (excluding the value of the land or detached structures) as a percentage.

(19) Fill. Clean Soil material placed upon the ground, compacted and graded for the purpose of elevating the surface of the ground.

(20) Flood or flooding.

a. ~~(1)~~ A general and temporary condition of partial or complete inundation of normally dry land areas from:

1a. The overflow of rivers, streams, ditches or enclosed drainage systems;

2b. The unusual and rapid accumulation or runoff of surface waters from any source;

3e. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph ~~(1)~~ ba.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. ~~(2)~~ The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph ~~(1)~~ a.1. of this definition.

(21) Flood insurance study base flood profile. The base flood elevation profile included in the ~~January 5, 2001~~ July 5, 2005 flood insurance study published by FEMA.

(22) Floodplain. The area adjoining the river or stream which has been or may hereafter be covered by floodwaters.

(23) Floodproofed building. A nonresidential building designed to exclude floodwaters from the interior of that building. All such floodproofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

(24) Floodproofing certificate. The most recently published official document for floodproofing certificate for nonresidential structures issued by FEMA.

(25) Flood protection grade. The elevation of the lowest point in a building at which floodwaters may enter the interior of the building. Such lowest point is defined by the following:

a. ~~(1)~~ The lowest floor of the building (if a basement is included, the basement floor is the lowest floor);

b. ~~(2)~~ The garage floor, if the garage is the lowest level of the building (except garages which qualify as an allowed nonhabitable attached accessory enclosure);

c. ~~(3)~~ The first floor of buildings elevated on pilings or constructed on an above-ground crawl space;

d. ~~(4)~~ The floor level of any enclosure below the elevated first floor, including a crawl space that is below the adjoining ground level at all sides unless the enclosure satisfies the requirements for a nonhabitable attached accessory enclosure;

~~e.(5)~~ The level of protection provided to a nonresidential building below which the building is designed to be floodproofed. The design and construction shall be certified on a floodproofing certificate by a professional engineer or a professional architect as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

~~(26)~~ Floodwater. The water of any lake or watercourse which is above the banks and/or outside the channel and banks of such watercourse.

~~(27)~~ Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream.

~~(28)~~ Floodway fringe. The portion of the regulatory floodplain which is not required to convey the one hundred-year frequency flood peak discharge and therefore lies outside of the floodway.

~~(29)~~ Habitable space. The enclosed area of any building used for living area including but not limited to bedrooms, bathrooms, kitchens, living rooms, family rooms, dining rooms, recreation rooms, utility rooms and workshops.

~~(30)~~ Historic structure. Any structure that is:

~~a.(1)~~ Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;

~~b.(2)~~ Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

~~c.(3)~~ Individually listed on a state inventory of historic places in accordance with state historic preservation programs which have been approved by the secretary of interior; or

~~d.(4)~~ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

~~1a.~~ By an approved state program as determined by the secretary of the interior; or

~~2b.~~ Directly by the secretary of the interior.

~~(31)~~ IDNR. The Indiana Department of Natural Resources.

~~(32)~~ INRC. The Indiana Natural Resources Commission.

~~(33)~~ Land alteration. Any change in the topography of land caused by activities including but not limited to excavation, filling, deposit or stockpiling of materials and construction of ponds, dams, or levees outside of a watercourse. For purposes of this article, land alterations do not include the construction, placement of, or other activities involving buildings or nonbuilding structures, or those activities which are defined as open land use in this article, or ordinary maintenance and repair of an IDNR approved land alteration.

~~(34)~~ Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of this article, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the flood control zoning district.

~~(35)~~ LOMA. Letter of map amendment issued by FEMA.

~~(36)~~ LOMR. Letter of map revision issued by FEMA.

~~(37)~~ Manufactured home dwelling. A unit which is fabricated in one (1) or more modules at a location other than the home site, by assembly line type production techniques or by other



construction methods unique to an off-site manufacturing process. Every module shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. The unit must have been built after January 1, 1981, have at least nine hundred fifty (950) square feet of main floor area (exclusive of garages, carports, and open porches), and exceed twenty-three (23) feet in width.

(38) Market value of structure. The market value of the structure itself, not including the associated land, landscaping or detached accessory structures. The market value must be determined by a method approved by FEMA and DMD. If an appraisal is used, the appraiser must have at least one (1) of the following designations:

- a. ~~(1)~~ Member of the American Institute of Real Estate Appraisers (MAI);
- b. ~~(2)~~ Residential member of the American Institute of Real Estate Appraisers (RM);
- c. ~~(3)~~ Senior real estate analyst of the Society of Real Estate Appraisers (SREA);
- d. ~~(4)~~ Senior residential appraiser of the Society of Real Estate Appraisers (SREA);
- e. ~~(5)~~ Senior real property appraiser of the Society of Real Estate Appraisers (SRPA);
- f. ~~(6)~~ Senior member of the American Society of Appraisers (ASA);
- g. ~~(7)~~ Accredited rural appraiser of the American Society of Farm Managers and Rural Appraisers (ARA); or
- h. ~~(8)~~ Accredited appraiser of the Manufactured Housing Appraiser Society.

(39) Mobile dwelling. A movable or portable unit fabricated in one (1) or more modules at a location other than the home site, by assembly line type production techniques or by other construction methods unique to an off-site manufacturing process. The unit is designed for occupancy by one (1) family, and erected or located as specified by section 536-831 et seq. of this Code, and which was either:

- a. ~~(1)~~ Constructed prior to June 15, 1976, and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or
- b. ~~(2)~~ Constructed subsequent to or on June 15, 1976, and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards Law.

(40) Mobile dwelling project or subdivision. An area of contiguous land separated only by a street(s) upon which three (3) or more mobile dwellings are designated spaces or lots for the purpose of being occupied as primary residences and includes all real and personal property used in the operation of such mobile dwelling project; or an area of contiguous land separated only by a street that is subdivided and contains individual lots which are sold or intended to be sold, leased or similarly contracted for the purpose of being occupied as a primary residence, is a mobile dwelling project if three (3) or more lots or sites are designated specifically to accommodate mobile dwellings.

(41) New mobile dwelling project or subdivision. A mobile dwelling project or subdivision for which the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this article.

(42) NFIP. National flood insurance program.

(43) Nonbuilding structure. Structures other than buildings including but not limited to public utilities, on-site wastewater disposal systems, water supply systems, sanitary sewers, on-site wastewater treatment systems, lift stations, transmission towers, well pumps, electrical units, bridges, culverts, and any other structures determined by DMD to constitute a potential hazard to life, health, safety or property caused by exposure to floodwaters during the base flood.

(44) Nonsubstantial addition. A structural enlargement of a structure, the cost of which is less than fifty (50) percent of the market value of the structure before the start of construction.

(45) Nonsubstantial damage. Damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant whereby the cost of restoring the structure to its predamaged condition would be less than fifty (50) percent of the market value of the structure before the damage occurred.

(46) Nonsubstantial improvement. Any structural improvement of a structure which does not consist of a structural enlargement or repair of damage, the cost of which is less than fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term does not include either:

a. ~~(1)~~ Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

b. ~~(2)~~ Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure"; or

c. ~~(3)~~ Ordinary maintenance and repair as defined herein.

(47) Open land use. The production of crops, pasture, forests, parks, and recreational uses which do not involve any structure, obstruction, construction, excavation or deposit in a floodway as defined by IDNR, or any land alteration or watercourse alteration as otherwise defined in this article. The following specific activities are classified as open land use:

a. ~~(1)~~ Excavation of cemetery grave;

b. ~~(2)~~ Exploratory excavations or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, which are backfilled;

c. ~~(3)~~ Ordinary cultivation of agricultural land including tilling, construction of minor open ditches, and crop irrigation; and

d. ~~(4)~~ The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences.

(48) Ordinary maintenance and repair. Construction activity commonly accomplished in or on an existing structure or existing building equipment for the purposes of preventing deterioration or performance deficiencies, maintaining appearance, or securing the original level of performance. Preventing deterioration or deficient performance shall include such activities as caulking windows, painting, pointing brick, oiling machinery and replacing filters. Maintaining appearance shall include such activities as sandblasting masonry and cleaning equipment. Securing the original level of performance shall include such activities as replacing broken glass, patching a roof, disassembling and reassembling a piece of building equipment, welding a broken part and replacing a component of a heating system (but not a furnace) with an identical component. Ordinary maintenance and repair shall not include any construction activity which alters the prior or initial capacity, performance, specifications, type or required energy of functional features of an existing structure or building equipment.

(49) Primary residential structure. The residential building in which the permitted primary use of the lot is conducted.

(50) Professional architect. An architect registered under IC 25-4-1.

(51) Professional engineer. An engineer registered under IC 25-31-1.

(52) Professional surveyor. A surveyor registered under IC ~~25-21.5-31-1-1~~.

(53) Recreational vehicle. A ~~self-propelled or towed~~ vehicle which is:

a. Built on a chassis;

b. 400 square feet or less when measured at the largest horizontal projection;

c. designed to be self-propelled or permanently towable by a light duty truck; and

d. intended specifically for designed primarily not for use as a permanent dwelling and not for commercial use, but as temporary living quarters, camping, travel, or seasonal use and leisure activities, including the trailer that may transport the vehicle.

Examples include but not limited to boats, jet skis, race cars, all-terrain bikes, motor homes, travel trailers, and camping trailers.

(54) Regulatory flood profile. A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the base flood.

(55) Residential building. Any building which possesses the architectural features, traits and qualities indicating or constituting those distinguishing attributes of a residence, such as height, bulk, materials, detailing and similar features.

(56) Shaded zone X. Areas between limits of the one hundred-year flood and five hundred-year flood; certain areas subject to one hundred-year flooding with average depths less than one (1) foot or with drainage areas generally less than one (1) square mile; and areas protected by levees from the base flood.

(57) Standard flood insurance policy. The flood insurance policy issued by the federal insurance Administrator, or an insurer pursuant to an arrangement with the Administrator pursuant to federal statutes and regulations.

(58) Standard proctor. The maximum dry density of a backfill material as determined by the methods set forth within ASTM D 698. The percent standard proctor density is a ratio of the in-place dry density of a backfill material, determined by those methods set forth within ASTM D 1556, to the maximum dry density (determined by Test Method 698). The resulting quotient must be multiplied by one hundred (100), and the value obtained must meet or exceed the minimum values specified herein.

(59) Start of construction. The date that a floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date.

(60) Structure. Anything that can be constructed, altered, repaired or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, gas or liquid storage tanks, cabins, manufactured homes, travel trailers to be placed on a site for more than one hundred eighty (180) consecutive days, and other similar items.

(61) Substantial addition. A structural enlargement of the enclosed space of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction.

(62) Substantial damage. Damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant, whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

(63) Substantial improvement. Any structural improvement of a structure which does not consist of a structural enlargement or repair of damage, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The term does not include either:

a. ~~(1)~~ Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

b. ~~(2)~~ Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure"; or

c. ~~(3)~~ Ordinary maintenance and repair as defined herein.

(64) Variance. A grant of relief from the terms of this article.

(65) Violation. The failure of a structure or development or use to be fully compliant with this article. A structure or use or development without the elevation certificate, other certifications, or other evidence of compliance required.

(66) Watercourse. Natural streams, man-made ditches, lakes, reservoirs, ponds, retention or detention basins, and drainage swales. A watercourse is distinguished from overland flow, sheet flow, shallow swale flow, and storm sewer flow by the following characteristics which must be present to constitute a watercourse:

a.~~(1)~~ Defined and distinguishable stream banks under natural conditions; and

b.~~(2)~~ Regularity of flow in the channel evidenced by a distinguishable waterline vegetation limit or hydrologic characteristics.

(67) Watercourse alteration. Any encroachment, diversion, relocation, impoundment, draining, damming, repair, construction, reconstruction, dredging, enclosing, widening, deepening, filling or other modification of a watercourse. Watercourse alteration does not include the clearing of dead or dying vegetation, debris or trash from the channel, nor does it include ordinary maintenance or repair of an IDNR approved watercourse alteration.

(68) Zone A. Areas within the floodplain established by the flood insurance rate maps where no base flood elevation is provided.

(69) Zone AE. Areas within the floodplain established by the flood insurance rate maps where base flood elevations are provided.

(70) Zone AO. Areas within the floodplain established by the flood insurance rate maps that are subject to sheet flow, ponding, or shallow flooding and where base flood depths (feet above grade) are provided.

(71) Zone AH. Areas within the floodplain established by the flood insurance rate maps that are subject to shallow flooding and where base flood elevations are provided.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 279, 282, 283, 286 and 294, 2005 on June 29, 2005. She asked for consent to vote on these proposals together. Councillor Schneider asked that Proposal No. 279, 2005 be voted on separately. Consent was given to vote on Proposal Nos. 282, 283, 286 and 294, 2005 together.

PROPOSAL NO. 279, 2005. The proposal, sponsored by Councillor McWhirter, approves a transfer of \$5,313 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to cover supplies needed at the community child seat clinics. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal No. 279, 2005 was adopted on the following roll call vote; viz:

July 11, 2005

23 YEAS: Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Speedy, Talley

1 NAY: Schneider

4 NOT VOTING: Abduallah, Franklin, Gray, Mansfield

1 ABSENT: Sanders

Proposal No. 279, 2005 was retitled FISCAL ORDINANCE NO. 85, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 85, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) transferring and appropriating an additional Five Thousand Three Hundred Thirteen Dollars (\$5,313) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to cover supplies and equipment for community child seat clinics.

SECTION 2. The sum of additional Five Thousand Three Hundred Thirteen Dollars (\$5,313) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	2,313
4. Capital Outlay	<u>3,000</u>
TOTAL INCREASE	5,313

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>5,313</u>
TOTAL DECREASE	5,313

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 282, 2005. The proposal, sponsored by Councillor McWhirter, approves a transfer of \$3,985 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to purchase 4 TV monitors, VCRs, recording systems, and 8 microphones for 4 child interview rooms at the Child Advocacy Center. PROPOSAL NO. 283, 2005. The proposal, sponsored by Councillor McWhirter, approves a transfer of \$3,266 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to cover supplies needed at the Child Advocacy Center. PROPOSAL NO. 286, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves a transfer of \$1,259 in the 2005 Budget of the Marion County Sheriff (State and Federal Grants Fund) to purchase a bomb tech kit, funded by a grant from the U.S. Department of Homeland Security. PROPOSAL NO. 294, 2005. The proposal,

sponsored by Councillor Borst, approves a transfer of \$100,000 in the 2005 Budget of the Marion Superior Court (County General Fund) to move Character 02 money to Character 03 in order to meet current expenses. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal Nos. 282, 283, 286 and 294, 2005 were adopted on the following roll call vote; viz:

22 YEAS: Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gray, Keller, Langsford, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Salisbury, Schneider, Speedy, Talley

0 NAYS:

6 NOT VOTING: Abdullah, Borst, Franklin, Gibson, Mansfield, Randolph

1 ABSENT: Sanders

Proposal No. 282, 2005 was retitled FISCAL ORDINANCE NO. 86, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 86, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) transferring and appropriating an additional Three Thousand Nine Hundred Eighty-five Dollars (\$3,985) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to purchase four (4) TV monitors, VCR's, recording systems, and eight (8) microphones, for four (4) child interview rooms at the Child Advocacy Center.

SECTION 2. The sum of additional Three Thousand Nine Hundred Eighty-five Dollars (\$3,985) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	<u>3,985</u>
TOTAL INCREASE	3,985

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	<u>3,985</u>
TOTAL DECREASE	3,985

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 283, 2005 was retitled FISCAL ORDINANCE NO. 87, 2005, and reads as follows:

July 11, 2005

CITY-COUNTY FISCAL ORDINANCE NO. 87, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) transferring and appropriating an additional Three Thousand Two Hundred Sixty-six Dollars (\$3,266) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to cover supplies needed at the Child Advocacy Center.

SECTION 2. The sum of additional Three Thousand Two Hundred Sixty-six Dollars (\$3,266) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	<u>3,266</u>
TOTAL INCREASE	3,266

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>3,266</u>
TOTAL DECREASE	3,266

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 286, 2005 was retitled FISCAL ORDINANCE NO. 88, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 88, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) transferring and appropriating an additional One Thousand Two Hundred Fifty-nine Dollars (\$1,259) in the State and Federal Grants Fund for the purposes of the Marion County Sheriff's Department and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1. (b) Of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to transfer between characters to purchase Bomb Tec Kit.

SECTION 2. The sum of One Thousand Two Hundred Fifty-nine Dollars (\$1,259) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>1,259</u>
TOTAL INCREASE	1,259

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	617
3. Other Services and Charges	<u>642</u>
TOTAL DECREASE	1,259

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 294, 2005 was retitled FISCAL ORDINANCE NO. 89, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 89, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No.139, 2004 (f) transferring and appropriating an additional One Hundred Thousand Dollars (\$100,000) in the County General Fund for purposes of the Marion Superior Court and reducing certain other appropriations from Marion Superior Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(F) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court, to move supply money from Character Two to Character Three in order to be able to meet current expenses.

SECTION 2. The sum of additional One Hundred Thousand Dollars (\$100,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>100,000</u>
TOTAL INCREASE	100,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	<u>100,000</u>
TOTAL DECREASE	100,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 295-299, 2005 on June 23, 2005. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 295, 2005. The proposal, sponsored by Councillors Keller and Nytes, authorizes intersection controls for Brookside Avenue and Steele Street (District 16). PROPOSAL NO. 296, 2005. The proposal, sponsored by Councillors Abdullaah and Nytes, authorizes parking restrictions on Pennsylvania Street near 24th Street (Districts 15 and 9). PROPOSAL NO. 297, 2005. The proposal, sponsored by Councillors Keller and Day, authorizes parking restrictions on State Avenue from Pleasant Run Parkway South Drive to Washington



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Street (Districts 16 and 20). PROPOSAL NO. 298, 2005. The proposal, sponsored by Councillor Mahern, authorizes the removal of parking restrictions and meters on Missouri Street between Maryland Street and Washington Street (District 19). PROPOSAL NO. 299, 2005. The proposal, sponsored by Councillor Mahern, authorizes parking restrictions on Meridian Street near Bluff Avenue (District 19). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 295-299, 2005 were adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley*

0 NAYS:

1 ABSENT: *Sanders*

Proposal No. 295, 2005 was retitled GENERAL ORDINANCE NO. 65, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 65, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Brookside Av Steele St	Brookside Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Brookside Av Steele St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 296, 2005 was retitled GENERAL ORDINANCE NO. 66, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 66, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Pennsylvania Street, on the east side, from  
Twenty-fourth Street to a point 100 feet north of Twenty-fourth Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 297, 2005 was retitled GENERAL ORDINANCE NO. 67, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 67, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

State Avenue, on both sides, from  
Penn-Central Railroad to English Avenue

State Avenue, on the east side, from  
English Avenue to Pleasant Run Parkway

State Avenue, on the east side, from  
English Avenue to Washington Street

SECTION 2., The "Revised Code of the Consolidated City and County," specifically Sec.621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY  
EXCEPT SUNDAYS  
From 7:00 a.m. to 9 a.m.

State Avenue, on the west side, from  
Michigan Street to Pleasant Run Parkway North Drive

ON ANY DAY  
EXCEPT SATURDAYS AND SUNDAYS  
From 6:00 a.m. to 9:00 a.m.

State Avenue, on the west side, from  
Washington Street to Pleasant Run Parkway North Drive

ON ANY DAY  
EXCEPT SATURDAYS AND SUNDAYS  
From 6:00 a.m. to 9:00 a.m.  
From 3:00 p.m. to 6:00 p.m.

State Avenue, on the west side, from  
Washington Street to Pleasant Run Parkway North Drive

ON ANY DAY  
EXCEPT SATURDAYS AND SUNDAYS  
From 3:00 p.m. to 6:00 p.m.

State Avenue, on the west side, from  
Washington Street to Pleasant Run Parkway North Drive

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

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Proposal No. 298, 2005 was retitled GENERAL ORDINANCE NO. 68, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 68, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the deletion of the following, to wit:

Missouri Street, on both side, from  
Maryland Street to Washington Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be, and the same is hereby amended by the deletion of the following, to wit:

Missouri Street, on the east side, from  
Maryland Street to Pearl Street

Missouri Street, on the west side, from  
Pearl Street to Washington Street

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 299, 2005 was retitled GENERAL ORDINANCE NO. 69, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 69, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Meridian Street, on the west side, from  
Bluff Avenue to a point 100 feet north of Bluff Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Oliver in memory of Doris D. Carlisle, Annette Mascari and Arthur N. Dumas, Sr.; and
- (2) Councillor Day in memory of Reverend Charles Cantrell; and

- (3) Councillors Pfisterer, Langsford, Randolph, Gray and Brown in memory of Captain Brian G. Mulhern; and
- (4) Councillor Pfisterer in memory of Edward Brethman and Merle Cassidy; and
- (5) Councillor Randolph in memory of Lieu Dang Le, Dorothy L. Johnson, Michael A. Curtiss, Sr., Birdie Stewart, Beatrice Howell Jefferson Parker and Bessie Gail Kimble Guynn; and
- (6) Councillor Moriarty Adams in memory of Reverend Monsignor John T. Ryan.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Doris D. Carlisle, Annette Mascari, Arthur N. Dumas, Sr., Reverend Charles Cantrell, Captain Brian G. Mulhern, Edward Brethman, Merle Cassidy, Lieu Dang Le, Dorothy L. Johnson, Michael A. Curtiss, Sr., Birdie Stewart, Beatrice Howell Jefferson Parker, Bessie Gail Kimble Guynn, and Reverend Monsignor John T. Ryan. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:10 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 11th day of July, 2005.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)